

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

POLAROID CORPORATION,

Plaintiff and Counterclaim Defendant,

v.

HEWLETT-PACKARD COMPANY,

Defendants and Counterclaim Plaintiff.

C.A. No. 06-738-SLR

REDACTED

**DECLARATION OF WILLIAM J. MARSDEN, JR.
IN SUPPORT OF DEFENDANT HEWLETT-PACKARD'S MOTION TO PRECLUDE
THE REPORT AND TESTIMONY OF POLAROID'S SURVEY EXPERT WALTER
MCCULLOUGH**

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Dated: May 23, 2008

I, William J. Marsden, Jr., declare as follows:

1. I am an attorney with Fish & Richardson P.C., counsel for Defendant Hewlett-Packard Company. I am a member of the Bar of the State of Delaware and of this Court. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Attached hereto as Exhibit A is a true and correct copy of the “Report on the Perceived Value of Adaptive Lighting Technology in Hewlett-Packard Printers” by Walter McCullough.

3. Attached hereto as Exhibit B is a true and correct copy of the “Rebuttal Expert Report of Professor Jacob Jacoby, Ph.D.”

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the deposition of Ranjit Bhaskar. **REDACTED**

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the “Expert Report of Dr. Allyn D. Strickland.” **REDACTED**

6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the deposition of Walter McCullough.

7. Attached hereto as Exhibit F is a true and correct copy of the May 12, 2008 letter from Robert M. Buchanan, Jr. to Colby Anne Kingsbury.

8. Attached hereto as Exhibit G is a true and correct copy of the Report of Walter McCullough in *Levi Strauss & Co. v. RP55, Inc.*, No. C04-0468 (N.D. Cal. 2005).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd of May, 2008 at Wilmington, Delaware.

/s/ William J. Marsden, Jr.
William J. Marsden, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2008, I electronically filed with the Clerk of Court the foregoing document using CM/ECF which will send electronic notification of such filing(s) to the following counsel:

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/s/ William J. Marsden, Jr.

William J. Marsden, Jr.

EXHIBIT A

**REPORT ON
THE PERCEIVED VALUE OF
ADAPTIVE LIGHTING TECHNOLOGY
IN HEWLETT-PACKARD PRINTERS**

**PREPARED BY
WALTER MCCULLOUGH, PRESIDENT
MONROE MENDELSON RESEARCH, INC.**

MARCH 2008

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E. Survey Data - Verbatims	
F. Fees and Professional and Academic Background of Walter McCullough	

CONCLUSIONS

Results of a carefully conducted survey reveal that eight in ten consumers thought that the model of printer in the description they viewed would cost less without the Adaptive Lighting Technology feature, and that the amount less would be in the range of 17% - 18% of the model's quoted price (based on the median value).

	HP Photosmart C6180 All-in-One		HP Officejet 5610 All-in-One	
	Price: \$299.99		Price: \$109.99; after rebate: \$99.99	
	(409)	(100)	(422)	(100)
	#	%	#	%
Model without Adaptive Lighting Technology feature				
Would cost less	328	80	340	81
Price would be the same	54	13	58	14
Don't know	27	7	24	6
Dollar amount less model would cost without Adaptive Lighting Technology feature				
Mean dollar amount	\$49.23		\$21.86	
Median dollar amount	\$50.00		\$20.00	
Median Percent of Price	17%		18%	

BACKGROUND

Monroe Mendelsohn Research (MMR) was asked by attorneys from Kirkland & Ellis, counsel to Polaroid, to design and conduct research to determine consumers' perceived value of Hewlett-Packard's Adaptive Lighting Technology feature, used in printers.

Two color ink jet printers at differing price points, that were currently available for sale, were selected for these surveys.

Walter McCullough, MMR's president and CEO, was responsible for the design, implementation and analysis of this research. The details of this research project follow.

RESEARCH METHODOLOGY

The Sample

Between January 24th and February 24th, 2008, two surveys in which a color ink jet printer description was shown were conducted with males and females, aged 18 and over, in eight geographically dispersed shopping mall facilities. All respondents were required to have purchased a color ink jet printer in the past twelve months, or to say that they might buy one in the next twelve months.

The interviewing locations were:

Trumbull, CT	Cleveland, OH	Atlanta, GA	Denver, CO
East Meadow, NY	St. Louis, MO *	Jackson, MS	Phoenix, AZ
	Detroit, MI *		

* Due to mall availability, Detroit replaced St. Louis on the HP Officejet 5610 printer survey.

Before determining whether they were eligible for the interview, potential respondents were first screened into one of six age and sex groups that were established to represent each group's proportion of the population aged 18 and over. This screening procedure ensures that any subsequently defined group of respondents is representative of the population of interest with respect to age and gender.

In addition to the printer purchase requirement, each potentially eligible respondent:

1. Could not work in the shopping mall in which the interviews were conducted.
2. If applicable, had to have his or her eyeglasses or contact lenses available.
3. Could not work for, or have any household member work for, "an advertising agency, a marketing research firm, or in the production, distribution or sale of computers, cameras or printers."
4. Could not have been interviewed in any mall in the past three months.

All interviews were conducted by trained interviewers who did not know the purpose of the survey or the sponsor of the research project. In addition to the in-field supervision of the interviews as they were conducted, callback validations were attempted for all completed interviews by an independent field organization that was not involved in the survey data collection. Several attempts were made to contact each respondent and attempts were curtailed when more than half (60%) were reached and validated. This is far in excess of the usual market research validation level. It should also be noted that most research companies validate only that the interview was conducted, while MMR validates that the interview was conducted, as well as that the respondent answers the screening questions in a consistent manner.

Interview

After completing the screening process, respondents were taken to a private room at the interviewing facility. The interviewer said:

I'd like you to look at this description of a color ink jet printer and review the information as if you were considering whether or not to buy it. After you have reviewed the product description, I will ask you a few questions. If you don't know the answer to any of my questions, please don't hesitate to say that.

The interviewer then handed the product description, which included the model's price, to the respondent. The description shown with each survey is as follows:

Printer Survey #1 description: HP Photosmart C6180 All-in-One (Price \$299.99)

Printer Survey #2 description: HP Officejet 5610 All-in-One (Price \$109.99; Price after rebate \$99.99)

Respondents were allowed sufficient time to review the description thoroughly, and the description was left with the respondent for the duration of the interview.

1. This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology". Adaptive Lighting Technology is a breakthrough technology that enables printers to produce photos that look more like what people see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, preserving gentle contrasts by smoothing out harsh contrasts.

If there were a color ink jet printer model that contained all of the features of the printer whose description I just showed you, but it did not have the Adaptive Lighting Technology feature, do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature? **

** There were 2 versions of Q.1, changing the order in which the response choices were read. The second version read "... do you think that the price would be the same as the model with the Adaptive Lighting Technology feature, or would that model cost less than the model with the Adaptive Lighting Technology feature?"

If respondents answered that the "price would be the same" or "don't know," they were not asked any further questions. If respondents answered "would cost less," the interview continued with:

2. About how much less do you think the model without the Adaptive Lighting Technology feature would cost? **(RECORD VERBATIM RESPONSE.)**

If respondents answered with an amount, they were not asked any further questions. If respondents answered "don't know," the interview continued with:

3. **(IF "DON'T KNOW" IN Q.2 HAND RESPONDENT CARD Q.3 AND ASK:)**
Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select.

I believe that the model without the Adaptive Lighting Technology feature would be a savings of:

- A. Less than \$1.00
- B. \$1.00 - \$4.99
- C. \$5.00 - \$9.99
- D. \$10.00 - \$19.99
- E. \$20.00 or more

All respondents were then thanked and excused.

The questionnaire appears as Exhibit A of the Appendix.

FINDINGS

Eight in ten consumers thought that the model of printer in the description they viewed would cost less without the Adaptive Lighting Technology feature, and that the amount less would be in the range of 17% - 18% of the model's quoted price (based on the median value).

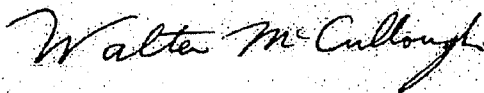
The table below displays the findings for each printer.

	HP Photosmart C6180 All-in-One		HP Officejet 5610 All-in-One	
	Price: \$299.99		Price: \$109.99; after rebate: \$99.99	
	(409)	(100)	(422)	(100)
	#	%	#	%
Model without Adaptive Lighting Technology feature				
Would cost less	328	80	340	81
Price would be the same	54	13	58	14
Don't know	27	7	24	6
Dollar amount less model would cost without Adaptive Lighting Technology feature				
Mean dollar amount	\$49.23		\$21.86	
Median dollar amount	\$50.00		\$20.00	
Median Percent of Price	17%		18%	

See Appendix Exhibit E for verbatim responses.

Submitted by:

Date: March 5, 2008



Walter McCullough, President
Monroe Mendelsohn Research, Inc.

EXHIBITS

- A. Screener and Main Questionnaires
- B. Field Supervisor and Interviewer Instructions
- C. Printer Descriptions
- D. Validation Questionnaire
- E. Survey Data - Verbatims
- F. Fees and Professional and Academic Background of Walter McCullough

EXHIBIT A. Screener and Main Questionnaires

MMR #4450 P January 2008

GREEN
PRINTER SURVEY
SCREENER

Page S1

Screeners Interviewer: _____ 4- 5- 6- 7-

**APPROACH MALES AND FEMALES WHO APPEAR TO BE
 18 YEARS OF AGE OR OLDER**

INTRODUCTION: Hello, I'm _____ representing Monroe Mendelsohn Research, a survey research company. We're conducting a survey in this area and your participation would be especially important to us. We are not selling anything. This is only a survey.

A. First, do you work in this mall?

Yes []1 → **TERMINATE AND TALLY. RE-USE SCREENER.**

8-

No []2 → **CONTINUE**

B. Do you usually wear contact lenses or eyeglasses when you read?

Yes []1 → **ASK Q.C**

9-

No []2 → **SKIP TO Q.D**

C. (IF "Yes" IN Q.B, ASK:) Do you have them with you today?

Yes []1 → **SAY: "During this interview, please feel free
 to use them whenever you need them"
 AND CONTINUE.**

10-

No []2 → **TERMINATE AND TALLY. RE-USE SCREENER.**

D. Which letter on this card (**HAND RESPONDENT AGE CARD**) includes your age? (**RECORD
 RESPONDENT'S AGE UNDER THE APPROPRIATE GENDER COLUMN.**)

11-12

MALE FEMALE

A. Under 18	[]1	[]1	→ TERMINATE AND TALLY. RE-USE SCREENER.
-------------------	------	------	--

B. 18-34	[]2	[]2	→ CHECK AGE/GENDER SCREENING QUOTA. IF OPEN, CONTINUE WITH Q.E. OTHERWISE, TERMINATE AND TALLY. RE-USE SCREENER.
C. 35-49	[]3	[]3	
D. 50 and over	[]4	[]4	

Refused	[]5	[]5	→ TERMINATE AND TALLY. RE-USE SCREENER.
---------------	------	------	--

(**TAKE BACK AGE CARD.**)

MMR #4450 P January 2008

GREEN

Page S2

- E. Do you or does anyone in your household work for an advertising agency, marketing research firm, or in the production, distribution or sale of computers, cameras or printers?

Yes []1 → **TERMINATE AND TALLY. RE-USE SCREENER.**

13-

No []2 → **CONTINUE**

- F. Have you been interviewed in this or any other mall in the past three months?

Yes []1 → **TERMINATE AND TALLY. RE-USE SCREENER.**

14-

No []2 → **CONTINUE**

- G1. Which of the following products, if any, have you bought in the past 12 months? **(READ LIST. RECORD ALL "Yes" MENTIONS UNDER COL Q.G1 BELOW. IF RESPONDENT DID NOT BUY ANY OF THE LISTED PRODUCTS, 'X' "NONE OF THESE.")**

- G2. And, which of the following products do you think you might buy in the next 12 months? **(READ LIST. RECORD ALL "Yes" MENTIONS UNDER COL Q.G2 BELOW. IF RESPONDENT DOESN'T THINK HE/SHE MIGHT BUY ANY OF THE LISTED PRODUCTS, 'X' "NONE OF THESE.")**

	<u>Q.G1</u> Bought In Past 12 Months	<u>Q.G2</u> Might Buy In Next 12 Months
A laptop computer	[]1	[]1
A digital camera	[]2	[]2
A color ink jet printer	[]3	[]3
	↓ CONTINUE	↓ CONTINUE

15-16

(DO NOT READ) None of these []0 []0

RESPONDENTS MUST ANSWER "A color ink jet printer" IN Q.G1 AND/OR Q.G2 TO CONTINUE. IF NOT "A color ink jet printer" IN EITHER Q.G1 OR Q.G2, TERMINATE AND TALLY. RE-USE SCREENER.

- H. I have a few more questions I'd like to ask you. The interview will take about 5-10 minutes and I think you will find it interesting. Are you willing to help us out?

Yes []1 → **TAKE RESPONDENT TO INTERVIEWING AREA.**

17-

No []2 → **THANK RESPONDENT AND SAY, "Perhaps some other time you'll be able to participate. Thanks anyway!"
TERMINATE AND TALLY. RE-USE SCREENER.**

Day of the Week: _____ Date: _____

Time of Day Screener Completed: _____

MMR #4450 P January 2008

GREEN

Page S3

RESPONDENT'S NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP: _____

PHONE: () _____

MMR #4462 February 2008

Page S1

PRINTER SURVEY SCREENER

Screening Interviewer: _____ 4- 5- 6- 7-

APPROACH MALES AND FEMALES WHO APPEAR TO BE 18 YEARS OF AGE OR OLDER

INTRODUCTION: Hello, I'm _____ representing Monroe Mendelsohn Research, a survey research company. We're conducting a survey in this area and your participation would be especially important to us. We are not selling anything. This is only a survey.

A. First, do you work in this mall? 8-
Yes []1 → **TERMINATE AND TALLY. RE-USE SCREENER.**

No []2 → **CONTINUE**

B. Do you usually wear contact lenses or eyeglasses when you read? 9-
Yes []1 → **ASK Q.C**

No []2 → **SKIP TO Q.D**

C. (IF "Yes" IN Q.B, ASK:) Do you have them with you today? 10-
Yes []1 → **SAY: "During this interview, please feel free to use them whenever you need them" AND CONTINUE.**

No []2 → **TERMINATE AND TALLY. RE-USE SCREENER.**

D. Which letter on this card (**HAND RESPONDENT AGE CARD**) includes your age? (**RECORD RESPONDENT'S AGE UNDER THE APPROPRIATE GENDER COLUMN.**)

11-12

MALE FEMALE

A. Under 18	[]1	[]1	→ TERMINATE AND TALLY. RE-USE SCREENER.
-------------------	------	------	--

B. 18-34	[]2	[]2	→ CHECK AGE/GENDER SCREENING QUOTA. IF OPEN, CONTINUE WITH Q.E. OTHERWISE, TERMINATE AND TALLY. RE-USE SCREENER.
C. 35-49	[]3	[]3	
D. 50 and over	[]4	[]4	

Refused	[]5	[]5	→ TERMINATE AND TALLY. RE-USE SCREENER.
---------------	------	------	--

(TAKE BACK AGE CARD.)

MMR #4462 February 2008

Page S2

- E. Do you or does anyone in your household work for an advertising agency, marketing research firm, or in the production, distribution or sale of computers, cameras or printers?

Yes []1→ **TERMINATE AND TALLY. RE-USE SCREENER.**

13-

No []2→ **CONTINUE**

- F. Have you been interviewed in this or any other mail in the past three months?

Yes []1→ **TERMINATE AND TALLY. RE-USE SCREENER.**

14-

No []2→ **CONTINUE**

- G1. Which of the following products, if any, have you bought in the past 12 months? **(READ LIST. RECORD ALL "Yes" MENTIONS UNDER COL Q.G1 BELOW. IF RESPONDENT DID NOT BUY ANY OF THE LISTED PRODUCTS, 'X' "NONE OF THESE.")**

- G2. And, which of the following products do you think you might buy in the next 12 months? **(READ LIST. RECORD ALL "Yes" MENTIONS UNDER COL Q.G2 BELOW. IF RESPONDENT DOESN'T THINK HE/SHE MIGHT BUY ANY OF THE LISTED PRODUCTS, 'X' "NONE OF THESE.")**

	<u>Q.G1</u> Bought In Past 12 Months	<u>Q.G2</u> Might Buy In Next 12 Months
A laptop computer	[]1	[]1
A digital camera	[]2	[]2
A color ink jet printer	[]3	[]3
	↓ CONTINUE	↓ CONTINUE

15-16

(DO NOT READ) None of these []0 []0

RESPONDENTS MUST ANSWER "A color ink jet printer" IN Q.G1 AND/OR Q.G2 TO CONTINUE. IF NOT "A color ink jet printer" IN EITHER Q.G1 OR Q.G2, TERMINATE AND TALLY. RE-USE SCREENER.

- H. I have a few more questions I'd like to ask you. The interview will take about 5-10 minutes and I think you will find it interesting. Are you willing to help us out?

Yes []1→ **TAKE RESPONDENT TO INTERVIEWING AREA.**

17-

No []2→ **THANK RESPONDENT AND SAY, "Perhaps some other time you'll be able to participate. Thanks anyway!"
TERMINATE AND TALLY. RE-USE SCREENER.**

Day of the Week: _____ Date: _____

Time of Day Screener Completed: _____

MMR #4462 February 2008

Page S3

RESPONDENT'S NAME: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP: _____

PHONE: () _____

MMR #4450 P January 2008
GREEN

Page M1.

PRINTER SURVEY MAIN QUESTIONNAIRE

4-1

RESPONDENT'S NAME: _____

I'd like you to look at this description of a color ink jet printer and review the information as if you were considering whether or not to buy it. After you have reviewed the product description, I will ask you a few questions. If you don't know the answer to any of my questions, please don't hesitate to say that.

HAND RESPONDENT PRINTER DESCRIPTION (GREEN DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1.

AFTER RESPONDENT HAS REVIEWED THE PRINTER DESCRIPTION,
LEAVE THE PRINTER DESCRIPTION WITH THE RESPONDENT.

1. This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology". Adaptive Lighting Technology is a breakthrough technology that enables printers to produce photos that look more like what people see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, preserving gentle contrasts by smoothing out harsh contrasts.

If there were a color ink jet printer model that contained all of the features of the printer whose description I just showed you, but it did **not** have the Adaptive Lighting Technology feature, do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?

Would cost less []1 → **ASK Q.2**

5-

Price would be the same []2 → **END INTERVIEW**

Don't know []3 → **END INTERVIEW**

2. About how much less do you think the model **without** the Adaptive Lighting Technology feature would cost? (**RECORD VERBATIM RESPONSE.**)

Don't know []1 → **ASK Q.3**

6 - 8

MMR #4450 P January 2008
GREEN

Page M2.

3. (IF "DON'T KNOW" IN Q.2 HAND RESPONDENT CARD Q.3 AND ASK:) Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select.

I believe that the model without the Adaptive Lighting Technology feature would be a savings of:

9-

- A. Less than \$1.00 []1
- B. \$1.00 - \$4.99 []2
- C. \$5.00 - \$9.99 []3
- D. \$10.00 - \$19.99 []4
- E. \$20.00 or more []5
- Don't know (RECORD IF VOLUNTEERED) []6

(TAKE BACK CARD Q.3.)

THANK RESPONDENT AND END INTERVIEW.

MAKE SURE RESPONDENT INFORMATION (NAME, ADDRESS, PHONE NUMBER)
ON SCREENER IS COMPLETE.

Main Questionnaire Interviewer: _____
(10-13)

INTERVIEWER CERTIFICATION:

I certify that I conducted this interview in accordance with my interviewer instructions.

INTERVIEWER'S SIGNATURE: _____

HAVE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION"
ON NEXT PAGE.

MMR #4450 P January 2008
GREEN

Page M3.

RESPONDENT INTERVIEW VERIFICATION

Today's Date: _____

I was interviewed on this date. During the interview I was shown a product description and questioned about it. I understand that all of the information I have supplied will remain confidential.

Respondent Signature

MMR #4450 P January 2008
GREEN

Page M1.

PRINTER SURVEY MAIN QUESTIONNAIRE

4-2

RESPONDENT'S NAME: _____

I'd like you to look at this description of a color ink jet printer and review the information as if you were considering whether or not to buy it. After you have reviewed the product description, I will ask you a few questions. If you don't know the answer to any of my questions, please don't hesitate to say that.

HAND RESPONDENT PRINTER DESCRIPTION (GREEN DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1.

AFTER RESPONDENT HAS REVIEWED THE PRINTER DESCRIPTION,
LEAVE THE PRINTER DESCRIPTION WITH THE RESPONDENT.

1. This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology". Adaptive Lighting Technology is a breakthrough technology that enables printers to produce photos that look more like what people see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, preserving gentle contrasts by smoothing out harsh contrasts.

If there were a color ink jet printer model that contained all of the features of the printer whose description I just showed you, but it did **not** have the Adaptive Lighting Technology feature, do you think that the price would be the same as the model with the Adaptive Lighting Technology feature, or would that model cost less than the model with the Adaptive Lighting Technology feature?

Price would be the same []1 → **END INTERVIEW**

5-

Would cost less []2 → **ASK Q.2**

Don't know []3 → **END INTERVIEW**

2. About how much less do you think the model **without** the Adaptive Lighting Technology feature would cost? (**RECORD VERBATIM RESPONSE.**)

Don't know []1 → **ASK Q.3**

6 - 8

MMR #4450 P January 2008
GREEN

Page M2.

3. (IF "DON'T KNOW" IN Q.2 HAND RESPONDENT CARD Q.3 AND ASK:) Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select.

I believe that the model without the Adaptive Lighting Technology feature would be a savings of:

9-

- A. Less than \$1.00 []1
B. \$1.00 - \$4.99 []2
C. \$5.00 - \$9.99 []3
D. \$10.00 - \$19.99 []4
E. \$20.00 or more []5
Don't know (RECORD IF VOLUNTEERED) []6

(TAKE BACK CARD Q.3.)

THANK RESPONDENT AND END INTERVIEW.

MAKE SURE RESPONDENT INFORMATION (NAME, ADDRESS, PHONE NUMBER)
ON SCREENER IS COMPLETE.

Main Questionnaire Interviewer: _____
(10-13)

INTERVIEWER CERTIFICATION:

I certify that I conducted this interview in accordance with my interviewer instructions.

INTERVIEWER'S SIGNATURE: _____

HAVE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION"
ON NEXT PAGE.

MMR #4450 P January 2008
GREEN

Page M3.

RESPONDENT INTERVIEW VERIFICATION

Today's Date: _____

I was interviewed on this date. During the interview I was shown a product description and questioned about it. I understand that all of the information I have supplied will remain confidential.

Respondent Signature

MMR #4462 February 2008
BLUE

Page M1.

PRINTER SURVEY MAIN QUESTIONNAIRE

4-1

RESPONDENT'S NAME: _____

I'd like you to look at this description of a color ink jet printer and review the information as if you were considering whether or not to buy it. After you have reviewed the product description, I will ask you a few questions. If you don't know the answer to any of my questions, please don't hesitate to say that.

HAND RESPONDENT PRINTER DESCRIPTION (BLUE DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1.

AFTER RESPONDENT HAS REVIEWED THE PRINTER DESCRIPTION,
LEAVE THE PRINTER DESCRIPTION WITH THE RESPONDENT.

1. This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology". Adaptive Lighting Technology is a breakthrough technology that enables printers to produce photos that look more like what people see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, preserving gentle contrasts by smoothing out harsh contrasts.

If there were a color ink jet printer model that contained all of the features of the printer whose description I just showed you, but it did **not** have the Adaptive Lighting Technology feature, do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?

Would cost less []1 → **ASK Q.2**

5-

Price would be the same []2 → **END INTERVIEW**

Don't know []3 → **END INTERVIEW**

2. About how much less do you think the model **without** the Adaptive Lighting Technology feature would cost? (**RECORD VERBATIM RESPONSE.**)

Don't know []1 → **ASK Q.3**

6 - 8

MMR #4462 February 2008
BLUE

Page M2.

3. (IF "DON'T KNOW" IN Q.2 HAND RESPONDENT CARD Q.3 AND ASK:) Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select.

I believe that the model without the Adaptive Lighting Technology feature would be a savings of:

9-

- A. Less than \$1.00 []1
B. \$1.00 - \$4.99 []2
C. \$5.00 - \$9.99 []3
D. \$10.00 - \$19.99 []4
E. \$20.00 or more []5
Don't know (RECORD IF VOLUNTEERED) []6

(TAKE BACK CARD Q.3.)

THANK RESPONDENT AND END INTERVIEW.

MAKE SURE RESPONDENT INFORMATION (NAME, ADDRESS, PHONE NUMBER)
ON SCREENER IS COMPLETE.

Main Questionnaire Interviewer: _____
(10-13)

INTERVIEWER CERTIFICATION:

I certify that I conducted this interview in accordance with my interviewer instructions.

INTERVIEWER'S SIGNATURE: _____

HAVE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION"
ON NEXT PAGE.

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BLUE

Page M3.

RESPONDENT INTERVIEW VERIFICATION

Today's Date: _____

I was interviewed on this date. During the interview I was shown a product description and questioned about it. I understand that all of the information I have supplied will remain confidential.

Respondent Signature

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BLUE

Page M1.

PRINTER SURVEY MAIN QUESTIONNAIRE

4-2

RESPONDENT'S NAME: _____

I'd like you to look at this description of a color ink jet printer and review the information as if you were considering whether or not to buy it. After you have reviewed the product description, I will ask you a few questions. If you don't know the answer to any of my questions, please don't hesitate to say that.

HAND RESPONDENT PRINTER DESCRIPTION (BLUE DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1.

AFTER RESPONDENT HAS REVIEWED THE PRINTER DESCRIPTION,
LEAVE THE PRINTER DESCRIPTION WITH THE RESPONDENT.

1. This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology". Adaptive Lighting Technology is a breakthrough technology that enables printers to produce photos that look more like what people see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, preserving gentle contrasts by smoothing out harsh contrasts.

If there were a color ink jet printer model that contained all of the features of the printer whose description I just showed you, but it did not have the Adaptive Lighting Technology feature, do you think that the price would be the same as the model with the Adaptive Lighting Technology feature, or would that model cost less than the model with the Adaptive Lighting Technology feature?

Price would be the same []1 → END INTERVIEW

5-

Would cost less []2 → ASK Q.2

Don't know []3 → END INTERVIEW

2. About how much less do you think the model without the Adaptive Lighting Technology feature would cost? (RECORD VERBATIM RESPONSE.)

Don't know []1 → ASK Q.3

6 - 8

MMR #4462 February 2008
BLUE

Page M2.

3. (IF "DON'T KNOW" IN Q.2 HAND RESPONDENT CARD Q.3 AND ASK:) Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select.

I believe that the model without the Adaptive Lighting Technology feature would be a savings of:

9-

- A. Less than \$1.00 []1
B. \$1.00 - \$4.99 []2
C. \$5.00 - \$9.99 []3
D. \$10.00 - \$19.99 []4
E. \$20.00 or more []5
Don't know (RECORD IF VOLUNTEERED) []6

(TAKE BACK CARD Q.3.)

THANK RESPONDENT AND END INTERVIEW.

MAKE SURE RESPONDENT INFORMATION (NAME, ADDRESS, PHONE NUMBER)
ON SCREENER IS COMPLETE.

Main Questionnaire Interviewer: _____
(10-13)

INTERVIEWER CERTIFICATION:

I certify that I conducted this interview in accordance with my interviewer instructions.

INTERVIEWER'S SIGNATURE: _____

HAVE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION"
ON NEXT PAGE.

MMR #4462 February 2008
BLUE

Page M3.

RESPONDENT INTERVIEW VERIFICATION

Today's Date: _____

I was interviewed on this date. During the interview I was shown a product description and questioned about it. I understand that all of the information I have supplied will remain confidential.

Respondent Signature

EXHIBIT B. Field Supervisor and Interviewer Instructions

MONROE MENDELSON RESEARCH, INC.
841 BROADWAY
NEW YORK, NY 10003
(800) 223-7620
(212) 677-8833 (FAX #)

TO: SUPERVISORS
FROM: TOM JASORKA
RE: PRINTER SURVEY - MMR #4450P (GREEN)
DATE: JANUARY, 2008

Enclosed please find the following materials:

80 Screeners (GREEN)
70 Main Questionnaires (GREEN)
6 Screeners "For Briefing Only" (GREEN)
6 Main Questionnaires "For Briefing Only" (GREEN)
8 Briefing Participation/Non Disclosure Forms (BLUE)
2 Supervisor Instructions (WHITE)
6 Interviewer Instructions (LAVENDER)
6 Male Interim Report Forms (WHITE)
6 Female Interim Report Forms (WHITE)
40 Tally Sheets (WHITE)
4 Age Cards (WHITE)
4 Cards Q.3 (WHITE)

2 Mall Quota Sheets - Screenings (WHITE)
20 Validation Forms (YOU MAY NOT USE ANY OTHER VALIDATION FORMS OTHER THAN THE ONES WE SENT YOU, UNLESS SPECIFICALLY AUTHORIZED BY MMR.)
4 Printer Descriptions (GREEN DOT)

Check that you have received the above materials in sufficient quantities. Contact Monroe Mendelsohn Research (MMR) immediately if any materials are missing.

MAIN QUESTIONNAIRES HAVE BEEN INTERCOLLATED. DO NOT DISTURB THE ORDER.

QUOTA

Your quota is 26 interviews, with males and females, 18 years of age or older, who have bought a color ink jet printer in the past 12 months AND/OR think they might buy a color ink jet printer in the next 12 months. Additionally, they may not work in the mall, must have contact lenses or eyeglasses with them if they wear them, and meet the occupation and past participation screening.

ALTHOUGH THE INTERVIEW QUOTA IS NOT BROKEN DOWN BY SEX AND AGE, THERE ARE SCREENING QUOTAS BY SEX AND AGE. **A COMPLETED SCREENING IS DEFINED AS SOMEONE WHO ANSWERS AT LEAST Q.G1/G2 ON THE SCREENER.** COMPLETED INTERVIEWS, TERMINATES AT Q.G1/G2, Q. H AND TERMINATES MID-INTERVIEW COUNT AS COMPLETED SCREENINGS. TERMINATES AT Q's A, C, D, E OR F DO NOT COUNT AS COMPLETED SCREENINGS.

MMR #4450P
January, 2008

Page 2

SUPERVISOR INSTRUCTIONS

YOUR **SCREENING QUOTAS** BY GENDER AND AGE ARE AS FOLLOWS:

AGE	SCREENING QUOTA		SCREENING QUOTA		SCREENING QUOTA	
	TOTAL QUOTA		MALE QUOTA		FEMALE QUOTA	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
18 to 34 years of age	81	31%	42	16%	39	15%
35 to 49 years of age	78	30%	39	15%	39	15%
50 years of age or older	102	39%	47	18%	55	21%
TOTAL	261	100%	128	49%	133	51%

NOTE: If you have not completed your quota of 26 interviews after completing your screening quota of 261 screenings, call immediately for an adjusted screening quota.

IF YOU CANNOT OBTAIN AN ADJUSTED SCREENING QUOTA, CONTINUE SCREENING BY SEX AND AGE IN THE PROPORTION SHOWN ABOVE UNTIL YOU COMPLETE 26 INTERVIEWS.

CREW SIZE

You will need 3-4 interviewers per shift to complete this project on schedule.

No interviewer may complete more than 7 SCREENERS (QUALIFIED AND COOPERATIVE).

No interviewer may complete more than 7 MAIN QUESTIONNAIRES.

If circumstances arise in which an interviewer may need to complete more than 7 Screeners or 7 Main Questionnaires in order to finish the study on schedule, you must contact our office first. We will inform you whether or not we can permit this.

TALLY SHEETS

You have been provided with White Tally Sheets on which to record all terminates.

MALL QUOTA CONTROL SHEETS

You have been provided with White Mall Quota Control Sheets. Post the Mall Quota Control Sheet near the area where the interviewing will take place so that interviewers can record each screening and completed main interview by sex and age group.

METHOD OF INTERVIEWING

All respondents are to be screened in the main mall. All qualified respondents are to be taken to a separate area, off the main mall, where a Printer Description will be shown and the interview will be conducted. Respondents must not be in either hearing or viewing distance of each other during the interview phase. All interviewers must record answers as clearly and as darkly as possible.

MMR #4450P
January, 2008

Page 3

SUPERVISOR INSTRUCTIONS

RECORDING OF INTERVIEWER NAME

You must record the name of the Screener Interviewer where indicated on the Screener and the Main Questionnaire Interviewer where indicated on the Main Questionnaire. If the Screener and Main Questionnaire Interviewer are the same person, you must still record the name in both locations.

FIELD DATES

Interviewing is to begin on Thursday, January 24th and must be completed no later than Sunday, January 27, 2008.

INTERVIEWING HOURS

WEEKDAYS: = 5:00PM - 9:30PM
WEEKENDS: = 10:00AM - 9:30PM

NOTE: WEEKDAY INTERVIEWING MUST NOT START BEFORE 5:00PM! ANY INTERVIEWS NOT COMPLETED WITHIN THE TIME PERIOD INDICATED WILL NOT BE ACCEPTED.

BRIEFING

You must conduct a personal briefing with all interviewers working on this study. Each interviewer must complete a practice interview, including use of the Printer Description, so that any errors can be caught before field work begins. You have been provided with Screeners and Main Questionnaires labeled "For Briefing Only" to be used for briefing purposes. Go over these "For Briefing Only" interviews while the interviewers are still at the briefing so that mistakes can be corrected before actual interviewing begins. "For Briefing Only" Screeners and Main Questionnaires must be returned to MMR with your first shipment of completed work.

BRIEFING PARTICIPATION/NON-DISCLOSURE STATEMENT

Each interviewer working on this study is required to sign the Briefing Participation/Non-Disclosure Statement which must be returned to MMR with your first shipment.

INTERIM REPORT

Fax or call MMR on Friday, January 25th by 10AM (NY Time) with a cumulative and complete report of all the Information required on the Interim Report Form. Fax reports to (212) 677-8833.

EDITING

All work must be edited by you. Use only a green pencil for this purpose. Never change an answer, simply indicate where an error has been made. If a questionnaire is incorrect or illegible, it must be replaced.

MMR #4450P
January, 2008

Page 4

SUPERVISOR INSTRUCTIONS

VALIDATION FORMS

The Validation Forms were customized for this study. You may not substitute any other Validation Forms for the ones we sent you.

You must complete Validation Forms representing all completed interviews. Each form should represent one Screener Interviewer's work. Note: There is also a column for recording Main Questionnaire Interviewer. You must record the Main Questionnaire Interviewer for every respondent listed on the Validation Form, even if the Main Questionnaire Interviewer is the same as the Screener Interviewer.

If a respondent refuses to give a telephone number, you must try to obtain it from your local directory.

YOU ARE NOT TO VALIDATE ANY PORTION OF THIS STUDY. However, Validation Forms must be completed and returned to MMR. We will validate up to 100% of the Questionnaires.

VALIDATION OF WORKING PHONE NUMBER

While the Main Questionnaire is being administered to a respondent, the supervisor should dial the phone number provided by the respondent to verify that it is a working number. If it isn't, the supervisor should re-check the number with the respondent.

RETURN OF WORK

Monday, January 28th All Completed Interviews to date with corresponding Validation Forms, "For Briefing Only" Questionnaires, and Briefing Participation/Non Disclosure Forms are to be shipped DHL Next Day 10:30 unless otherwise instructed. **OUR DHL ACCOUNT NUMBER IS 803714331.**

ALL MATERIALS MUST BE SEPARATED BY SCREENER INTERVIEWER WITHIN THE SHIPMENT WITH APPROPRIATE VALIDATION FORMS ON TOP OF EACH SCREENER INTERVIEWER'S WORK. WE WILL ADVISE YOU OF ADDITIONAL SHIPMENTS. DO NOT RETURN ANY OTHER MATERIALS TO MMR UNTIL INSTRUCTED TO DO SO.

BILLING

Submit a bill, addressed to Thomas Jasorka, on your own letterhead, within one week of completion of this study.

MONROE MENDELSON RESEARCH, INC.
841 BROADWAY
NEW YORK, NY 10003
(800) 223-7620
(212) 677-8833 (FAX #)

TO: SUPERVISORS
FROM: TOM JASORKA
RE: PRINTER SURVEY - MMR #4462 (BLUE)
DATE: FEBRUARY, 2008

Enclosed please find the following materials:

80 Screeners (WHITE)
70 Main Questionnaires (BLUE)
6 Screeners "For Briefing Only" (WHITE)
6 Main Questionnaires "For Briefing Only" (BLUE)
8 Briefing Participation/Non Disclosure Forms (BLUE)
2 Supervisor Instructions (WHITE)
6 Interviewer Instructions (LAVENDER)
6 Male Interim Report Forms (WHITE)
6 Female Interim Report Forms (WHITE)
40 Tally Sheets (WHITE)
4 Age Cards (WHITE)
4 Cards Q.3 (WHITE)

2 Mall Quota Sheets - Screenings (WHITE)
20 Validation Forms (YOU MAY NOT USE ANY OTHER VALIDATION FORMS OTHER THAN THE ONES WE SENT YOU, UNLESS SPECIFICALLY AUTHORIZED BY MMR.)
4 Printer Descriptions (BLUE DOT)

Check that you have received the above materials in sufficient quantities. Contact Monroe Mendelsohn Research (MMR) immediately if any materials are missing.

MAIN QUESTIONNAIRES HAVE BEEN INTERCOLLATED. DO NOT DISTURB THE ORDER.

QUOTA

Your quota is 52 interviews, with males and females, 18 years of age or older, who have bought a color ink jet printer in the past 12 months AND/OR think they might buy a color ink jet printer in the next 12 months. Additionally, they may not work in the mall, must have contact lenses or eyeglasses with them if they wear them, and meet the occupation and past participation screening.

ALTHOUGH THE INTERVIEW QUOTA IS NOT BROKEN DOWN BY SEX AND AGE, THERE ARE SCREENING QUOTAS BY SEX AND AGE. **A COMPLETED SCREENING IS DEFINED AS SOMEONE WHO ANSWERS AT LEAST Q.G1/G2 ON THE SCREENER.** COMPLETED INTERVIEWS, TERMINATES AT Q.G1/G2, Q. H AND TERMINATES MID-INTERVIEW COUNT AS COMPLETED SCREENINGS. TERMINATES AT Q's A, C, D, E OR F DO NOT COUNT AS COMPLETED SCREENINGS.

MMR #4462
February, 2008

Page 2

SUPERVISOR INSTRUCTIONS

YOUR **SCREENING QUOTAS** BY GENDER AND AGE ARE AS FOLLOWS:

AGE	SCREENING QUOTA		SCREENING QUOTA		SCREENING QUOTA	
	TOTAL QUOTA		MALE QUOTA		FEMALE QUOTA	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
18 to 34 years of age	162	31%	84	16%	78	15%
35 to 49 years of age	153	30%	78	15%	75	15%
50 years of age or older	204	39%	94	18%	110	21%
TOTAL	519	100%	256	49%	263	51%

NOTE: If you have not completed your quota of 52 interviews after completing your screening quota of 519 screenings, call immediately for an adjusted screening quota.

IF YOU CANNOT OBTAIN AN ADJUSTED SCREENING QUOTA, CONTINUE SCREENING BY SEX AND AGE IN THE PROPORTION SHOWN ABOVE UNTIL YOU COMPLETE 52 INTERVIEWS.

CREW SIZE

You will need 3-4 interviewers per shift to complete this project on schedule.

No interviewer may complete more than 14 SCREENERS (QUALIFIED AND COOPERATIVE).

No interviewer may complete more than 14 MAIN QUESTIONNAIRES.

If circumstances arise in which an interviewer may need to complete more than 14 Screeners or 14 Main Questionnaires in order to finish the study on schedule, you must contact our office first. We will inform you whether or not we can permit this.

TALLY SHEETS

You have been provided with White Tally Sheets on which to record all terminates.

MALL QUOTA CONTROL SHEETS

You have been provided with White Mall Quota Control Sheets. Post the Mall Quota Control Sheet near the area where the interviewing will take place so that interviewers can record each screening and completed main interview by sex and age group.

METHOD OF INTERVIEWING

All respondents are to be screened in the main mall. All qualified respondents are to be taken to a separate area, off the main mall, where a Printer Description will be shown and the interview will be conducted. Respondents must not be in either hearing or viewing distance of each other during the interview phase. All interviewers must record answers as clearly and as darkly as possible.

MMR #4462
February, 2008

Page 3

SUPERVISOR INSTRUCTIONS

RECORDING OF INTERVIEWER NAME

You must record the name of the Screener Interviewer where indicated on the Screener and the Main Questionnaire Interviewer where indicated on the Main Questionnaire. If the Screener and Main Questionnaire Interviewer are the same person, you must still record the name in both locations.

FIELD DATES

Interviewing is to begin on Thursday, February 14th and must be completed no later than Monday, February 18th, 2008.

INTERVIEWING HOURS

WEEKDAYS: = 5:00PM - 9:30PM
WEEKENDS: = 10:00AM - 9:30PM

NOTE: WEEKDAY INTERVIEWING MUST NOT START BEFORE 5:00PM! ANY INTERVIEWS NOT COMPLETED WITHIN THE TIME PERIOD INDICATED WILL NOT BE ACCEPTED.

FURTHER NOTE: MONDAY, FEBRUARY 18TH IS A HOLIDAY. DAYTIME INTERVIEWING IS ALLOWED.

BRIEFING

You must conduct a personal briefing with all interviewers working on this study. Each interviewer must complete a practice interview, including use of the Printer Description, so that any errors can be caught before field work begins. You have been provided with Screeners and Main Questionnaires labeled "For Briefing Only" to be used for briefing purposes. Go over these "For Briefing Only" interviews while the interviewers are still at the briefing so that mistakes can be corrected before actual interviewing begins. "For Briefing Only" Screeners and Main Questionnaires must be returned to MMR with your first shipment of completed work.

BRIEFING PARTICIPATION/NON-DISCLOSURE STATEMENT

Each interviewer working on this study is required to sign the Briefing Participation/Non-Disclosure Statement which must be returned to MMR with your first shipment.

INTERIM REPORT

Fax or call MMR on Friday, February 25th by 10AM (NY Time) with a cumulative and complete report of all the Information required on the Interim Report Form. Fax reports to (212) 677-8833.

MMR #4462
February, 2008

Page 4

SUPERVISOR INSTRUCTIONS

EDITING

All work must be edited by you. Use only a BLUE pencil for this purpose. Never change an answer, simply indicate where an error has been made. If a questionnaire is incorrect or illegible, it must be replaced.

VALIDATION FORMS

The Validation Forms were customized for this study. You may not substitute any other Validation Forms for the ones we sent you.

You must complete Validation Forms representing all completed interviews. Each form should represent one Screeners Interviewer's work. Note: There is also a column for recording Main Questionnaire Interviewer. You must record the Main Questionnaire Interviewer for every respondent listed on the Validation Form, even if the Main Questionnaire Interviewer is the same as the Screener Interviewer.

If a respondent refuses to give a telephone number, you must try to obtain it from your local directory.

YOU ARE NOT TO VALIDATE ANY PORTION OF THIS STUDY. However, Validation Forms must be completed and returned to MMR. We will validate up to 100% of the Questionnaires.

VALIDATION OF WORKING PHONE NUMBER

While the Main Questionnaire is being administered to a respondent, the supervisor should dial the phone number provided by the respondent to verify that it is a working number. If it isn't, the supervisor should re-check the number with the respondent.

RETURN OF WORK

Tuesday, February 19th All Completed Interviews to date with corresponding Validation Forms, "For Briefing Only" Questionnaires, and Briefing Participation/Non Disclosure Forms are to be shipped DHL Next Day 10:30 unless otherwise instructed.

OUR DHL ACCOUNT NUMBER IS 803714331.

ALL MATERIALS MUST BE SEPARATED BY SCREENER INTERVIEWER WITHIN THE SHIPMENT WITH APPROPRIATE VALIDATION FORMS ON TOP OF EACH SCREENER INTERVIEWER'S WORK. WE WILL ADVISE YOU OF ADDITIONAL SHIPMENTS. DO NOT RETURN ANY OTHER MATERIALS TO MMR UNTIL INSTRUCTED TO DO SO.

BILLING

Submit a bill, addressed to Thomas Jasorka, on your own letterhead, within one week of completion of this study.

MONROE MENDELSON RESEARCH, INC.
841 BROADWAY
NEW YORK, NEW YORK 10003
(800) 223-7620
(212) 677-8833 (FAX #)

MMR #4450P
January, 2008

Printer Survey

INTERVIEWER INSTRUCTIONS
GREEN QUESTIONNAIRE

I. METHOD OF INTERVIEWING

All respondents are to be screened in the main mall. All qualified respondents are to be taken to a separate area off the main mall where a Printer Description will be shown and the interview will be conducted. Respondents must not be in hearing or viewing distance of each other.

ALL INTERVIEWS MUST BE SIGNED BY THE RESPONDENT.

II. ELIGIBLE RESPONDENT

The eligible respondent is a male or female who:

**BE SURE TO
RECORD
THESE
ACCURATELY.**

**WE VALIDATE
EACH
RESPONDENT
ON EVERY
ONE OF
THESE
QUALIFI-
CATIONS**

- QA. Does not work in the mall.
- QB/C. Has eye wear with him/her, if required.
- QD. Is 18 years of age or older and qualifies for an Open Screening Quota.
- QE. Neither respondent, nor anyone in respondent's household works for an advertising agency, marketing research firm or in the production, distribution or sale of computers, cameras or printers.
- QF. Has not been interviewed in any mall in the past three months.
- QG1/2. Has bought a color ink jet printer in the past 12 months AND/OR thinks he/she might buy a color ink jet printer in the next 12 months.
- QH. Is willing to participate.

A Screening Questionnaire has been provided to determine eligibility.

III. FIELD DATES

Interviewing is to begin on Thursday, January 24th and be completed by Sunday, January 27th, 2008. Your supervisor will assign the specific hours you are to work.

INTERVIEWERS, PLEASE NOTE: Your supervisor has accepted this assignment with the understanding that you will be paid on an hourly basis. MMR strictly forbids the practice of interviewers being paid on a "flat rate" (i.e., price per interview) basis.

No interviewer may complete more than 7 Screeners.

No interviewer may complete more than 7 Main Questionnaires.

MMR #4450P
January, 2008

Page 2.

INTERVIEWER INSTRUCTIONS

IV. MALL QUOTA SHEETS

Mall Quota Control Sheets will be posted in the Mall near the area where the interviewing is taking place. After a screening/interview has been completed, record it in the appropriate space under the appropriate column on the Mall Quota Control Sheet.

V. TALLY SHEETS

You have been provided with Tally Sheets on which to record all terminates.

VI. VALIDATION FORMS

Note that Validation Forms are customized for this study and those sent are the only ones to use.

Complete, in ink, a Validation Form, representing all completed interviews. Each form should represent one Screener Interviewer's work. Note: There is also a column for recording Main Questionnaire Interviewer. You must record the Main Questionnaire Interviewer for every respondent listed on the Validation Form, even if the Main Questionnaire Interviewer is the same as the Screener Interviewer.

List each completed interview in sequential order. Fill in (PRINT) the respondent's full name, address and telephone number. Return the form(s) to your supervisor together with the corresponding completed work.

Be sure to obtain respondent's telephone number. If it is not given, obtain the phone number from your local directory, if listed.

NOTE: WE WILL BE VALIDATING UP TO 100% OF THE INTERVIEWS ON THIS STUDY

VII. MAIN QUESTIONNAIRES

MAIN QUESTIONNAIRES HAVE BEEN INTERCOLLATED. USE THEM IN THE ORDER THEY WERE SHIPPED.

VIII. QUESTIONNAIRE INSTRUCTIONS

These instructions are in addition to those on the questionnaire. Read these instructions with a copy of the questionnaire in front of you. All questions are straightforward. Questionnaire instructions, including all skip patterns, are printed ALL IN CAPS. ALL SCREENERS AND QUESTIONNAIRES MUST BE COMPLETED AS CLEARLY AND DARKLY AS POSSIBLE. DO NOT ALLOW THE RESPONDENT TO LOOK AT OR SEE THE SCREENER OR MAIN QUESTIONNAIRE AT ANY TIME.

SCREENER:

Q.A: Record response. If "Yes", terminate and tally. Erase and re-use Screener. If "No", continue.

Q.B: If "Yes", continue with Q.C. If "No", skip to Q.D.

Q.C: ASK IF "Yes" IN Q.B. If "Yes", SAY: "During this interview, please feel free to use them whenever you need them" and continue. If "No", terminate and tally. Erase and re-use Screener.

MMR #4450P
January, 2008

Page 3.

INTERVIEWER INSTRUCTIONS

- Q.D:** HAND RESPONDENT AGE CARD. If "Under 18 years of age" or "Refused", terminate and tally. Erase and re-use Screener. All others, check quota. If, open, continue with QE. Otherwise, terminate and tally. Erase and re-use Screener. TAKE BACK AGE CARD.
- Q.E:** If "No", continue. If "Yes", terminate and tally. Erase and re-use Screener.
- Q.F:** If "No", continue. If "Yes", terminate and tally. Erase and re-use Screener.
- Q.G1/2:** If no mention of "A color ink jet printer" in either Q.G1 OR Q.G2, terminate and tally. Erase and re-use Screener. If "A color ink jet printer", is mentioned in either Q.G1 OR Q.G2 OR BOTH, continue.
- Q.H:** If "Yes", take respondent back to interviewing area. If "No", terminate and tally. Erase and re-use Screener.

RECORD DAY OF WEEK, DATE AND TIME OF DAY SCREENER WAS COMPLETED IN THE BOX ON SCREENER PAGE S2.

RECORD RESPONDENT'S NAME, COMPLETE ADDRESS, AND PHONE NUMBER IN THE BOX ON SCREENER PAGE S3.

**TAKE RESPONDENT TO INTERVIEWING AREA.
MAIN QUESTIONNAIRE:**

RECORD RESPONDENT'S NAME IN THE BOX ON MAIN QUESTIONNAIRE PAGE M1.

Read statement.

HAND RESPONDENT PRINTER DESCRIPTION (GREEN DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1. LEAVE THE PRINTER DESCRIPTION WITH RESPONDENT.

- Q.1:** If "Price would be the same"/"Don't know", END INTERVIEW. If "Would cost less", ask Q.2.
- Q.2:** Record verbatim response. If, Don't know", ask Q. 3. All other responses in Q.2, END INTERVIEW.
- Q.3:** ASK ONLY IF "DON'T KNOW IN Q.2. HAND RESPONDENT CARD Q.3. Record response. TAKE BACK CARD Q.3. THANK RESPONDENT AND END INTERVIEW.

Make sure that all required information has been recorded on the Screener.

MMR #4450P
January, 2008

Page 4.

INTERVIEWER INSTRUCTIONS

UPON COMPLETION BE SURE TO RECORD (PRINT) MAIN QUESTIONNAIRE INTERVIEWER WHERE INDICATED ON THE MAIN QUESTIONNAIRE.

SIGN THE INTERVIEWER CERTIFICATION ON PAGE M2.

HAVE THE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION" ON PAGE M3.

STAPLE SCREENER TO TOP OF THE MAIN QUESTIONNAIRE.

IX. GENERAL INSTRUCTIONS

In order to obtain an interview of the highest quality, we must insist on the implementation of the following techniques:

1. If the respondent refuses to answer a question indicate this by writing "REF" (standing for "Refused") in the area where the answer is to be recorded.
2. Questions must be asked word-for-word, exactly as they are printed on the questionnaire or screener.
3. Questions must be asked in the order they appear on the questionnaire.
4. There should not be any explanations, interpretations or additions to a question. If a respondent does not understand a question, merely re-read it. DO NOT EXPLAIN IT.
5. When appropriate, place an "X" in the box next to the answer given by the respondent.
6. If it is necessary to make a correction, cross out the original answer and then circle the correct number or box.
7. Write legibly AND AS DARK AS POSSIBLE. If we cannot read your writing, your work cannot be used.
8. Immediately after the close of the interview, the questionnaire is to be checked for completeness, legibility, etc. Incomplete or illegible questionnaires will have to be replaced.

MONROE MENDELSON RESEARCH, INC.
841 BROADWAY
NEW YORK, NEW YORK 10003
(800) 223-7620
(212) 677-8833 (FAX #)

MMR #4462
February, 2008

Printer Survey

INTERVIEWER INSTRUCTIONS
BLUE QUESTIONNAIRE

I. METHOD OF INTERVIEWING

All respondents are to be screened in the main mall. All qualified respondents are to be taken to a separate area off the main mall where a Printer Description will be shown and the interview will be conducted. Respondents must not be in hearing or viewing distance of each other.

ALL INTERVIEWS MUST BE SIGNED BY THE RESPONDENT.

II. ELIGIBLE RESPONDENT

The eligible respondent is a male or female who:

**BE SURE TO
RECORD
THESE
ACCURATELY.**

**WE VALIDATE
EACH
RESPONDENT
ON EVERY
ONE OF
THESE
QUALIFI-
CATIONS**

- QA. Does not work in the mall.
- QB/C. Has eye wear with him/her, if required.
- QD. Is 18 years of age or older and qualifies for an Open Screening Quota.
- QE. Neither respondent, nor anyone in respondent's household works for an advertising agency, marketing research firm or in the production, distribution or sale of computers, cameras or printers.
- QF. Has not been interviewed in any mall in the past three months.
- QG1/2. Has bought a color ink jet printer in the past 12 months AND/OR thinks he/she might buy a color ink jet printer in the next 12 months.
- QH. Is willing to participate.

A Screening Questionnaire has been provided to determine eligibility.

III. FIELD DATES

Interviewing is to begin on Thursday, February 14th and be completed by Monday, February 18th, 2008. Your supervisor will assign the specific hours you are to work.

INTERVIEWERS, PLEASE NOTE: Your supervisor has accepted this assignment with the understanding that you will be paid on an hourly basis. MMR strictly forbids the practice of interviewers being paid on a "flat rate" (i.e., price per interview) basis.

No interviewer may complete more than 14 Screeners.

No interviewer may complete more than 14 Main Questionnaires.

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INTERVIEWER INSTRUCTIONS

IV. MALL QUOTA SHEETS

Mall Quota Control Sheets will be posted in the Mall near the area where the interviewing is taking place. After a screening/interview has been completed, record it in the appropriate space under the appropriate column on the Mall Quota Control Sheet.

V. TALLY SHEETS

You have been provided with Tally Sheets on which to record all terminates.

VI. VALIDATION FORMS

Note that Validation Forms are customized for this study and those sent are the only ones to use.

Complete, in ink, a Validation Form, representing all completed interviews. Each form should represent one Screeners Interviewer's work. Note: There is also a column for recording Main Questionnaire Interviewer. You must record the Main Questionnaire Interviewer for every respondent listed on the Validation Form, even if the Main Questionnaire Interviewer is the same as the Screener Interviewer.

List each completed interview in sequential order. Fill in (PRINT) the respondent's full name, address and telephone number. Return the form(s) to your supervisor together with the corresponding completed work.

Be sure to obtain respondent's telephone number. If it is not given, obtain the phone number from your local directory, if listed.

NOTE: WE WILL BE VALIDATING UP TO 100% OF THE INTERVIEWS ON THIS STUDY

VII. MAIN QUESTIONNAIRES

MAIN QUESTIONNAIRES HAVE BEEN INTERCOLLATED. USE THEM IN THE ORDER THEY WERE SHIPPED.

VIII. QUESTIONNAIRE INSTRUCTIONS

These instructions are in addition to those on the questionnaire. Read these instructions with a copy of the questionnaire in front of you. All questions are straightforward. Questionnaire instructions, including all skip patterns, are printed ALL IN CAPS. ALL SCREENERS AND QUESTIONNAIRES MUST BE COMPLETED AS CLEARLY AND DARKLY AS POSSIBLE. DO NOT ALLOW THE RESPONDENT TO LOOK AT OR SEE THE SCREENER OR MAIN QUESTIONNAIRE AT ANY TIME.

SCREENER:

Q.A: Record response. If "Yes", terminate and tally. Erase and re-use Screener. If "No", continue.

Q.B: If "Yes", continue with Q.C. If "No", skip to Q.D.

Q.C: ASK IF "Yes" IN Q.B. If "Yes", SAY: "During this interview, please feel free to use them whenever you need them" and continue. If "No", terminate and tally. Erase and re-use Screener.

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INTERVIEWER INSTRUCTIONS

- Q.D:** HAND RESPONDENT AGE CARD. If "Under 18 years of age" or "Refused", terminate and tally. Erase and re-use Screener. All others, check quota. If, open, continue with QE. Otherwise, terminate and tally. Erase and re-use Screener. TAKE BACK AGE CARD.
- Q.E:** If "No", continue. If "Yes", terminate and tally. Erase and re-use Screener.
- Q.F:** If "No", continue. If "Yes", terminate and tally. Erase and re-use Screener.
- Q.G1/2:** If no mention of "A color ink jet printer" in either Q.G1 OR Q.G2, terminate and tally. Erase and re-use Screener. If "A color ink jet printer", is mentioned in either Q.G1 OR Q.G2 OR BOTH, continue.
- Q.H:** If "Yes", take respondent back to interviewing area. If "No", terminate and tally. Erase and re-use Screener.

RECORD DAY OF WEEK, DATE AND TIME OF DAY SCREENER WAS COMPLETED IN THE BOX ON SCREENER PAGE S2.

RECORD RESPONDENT'S NAME, COMPLETE ADDRESS, AND PHONE NUMBER IN THE BOX ON SCREENER PAGE S3.

**TAKE RESPONDENT TO INTERVIEWING AREA.
MAIN QUESTIONNAIRE:**

RECORD RESPONDENT'S NAME IN THE BOX ON MAIN QUESTIONNAIRE PAGE M1.

Read statement.

HAND RESPONDENT PRINTER DESCRIPTION (BLUE DOT) AND ALLOW HIM/HER SUFFICIENT TIME TO REVIEW IT THOROUGHLY BEFORE ASKING Q.1. LEAVE THE PRINTER DESCRIPTION WITH RESPONDENT.

- Q.1:** If "Price would be the same"/"Don't know", END INTERVIEW. If "Would cost less", ask Q.2.
- Q.2:** Record verbatim response. If, Don't know", ask Q. 3. All other responses in Q.2, END INTERVIEW.
- Q.3:** ASK ONLY IF "DON'T KNOW IN Q.2. HAND RESPONDENT CARD Q.3. Record response. TAKE BACK CARD Q.3. THANK RESPONDENT AND END INTERVIEW.

Make sure that all required information has been recorded on the Screener.

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February, 2008

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INTERVIEWER INSTRUCTIONS

UPON COMPLETION BE SURE TO RECORD (PRINT) MAIN QUESTIONNAIRE INTERVIEWER WHERE INDICATED ON THE MAIN QUESTIONNAIRE.

SIGN THE INTERVIEWER CERTIFICATION ON PAGE M2.

HAVE THE RESPONDENT DATE AND SIGN "RESPONDENT INTERVIEW VERIFICATION" ON PAGE M3.

STAPLE SCREENER TO TOP OF THE MAIN QUESTIONNAIRE.

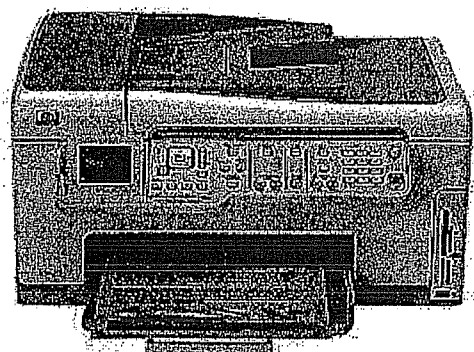
IX. GENERAL INSTRUCTIONS

In order to obtain an interview of the highest quality, we must insist on the implementation of the following techniques:

1. If the respondent refuses to answer a question indicate this by writing "REF" (standing for "Refused") in the area where the answer is to be recorded.
2. Questions must be asked word-for-word, exactly as they are printed on the questionnaire or screener.
3. Questions must be asked in the order they appear on the questionnaire.
4. There should not be any explanations, interpretations or additions to a question. If a respondent does not understand a question, merely re-read it. **DO NOT EXPLAIN IT.**
5. When appropriate, place an "X" in the box next to the answer given by the respondent.
6. If it is necessary to make a correction, cross out the original answer and then circle the correct number or box.
7. Write legibly AND AS DARK AS POSSIBLE. If we cannot read your writing, your work cannot be used.
8. Immediately after the close of the interview, the questionnaire is to be checked for completeness, legibility, etc. Incomplete or illegible questionnaires will have to be replaced.

EXHIBIT C. Printer Descriptions

HP Photosmart C6180 All-in-One



Price \$299.99

Overview

In a hurry for your prints? Our Photosmart C6180 is the world's fastest photo All-in-One!¹ It's also a pro at color faxing, it uses six separate ink cartridges that you only replace as needed. With built-in wireless networking, it's ready for connecting to all your home PCs. More time savers: the 50-sheet automatic document feeder and 4 x 6" automated tray for dedicated photo printing.

Networkable, easy, speedy

- **Connect your whole home computer system**, with or without wires² to go wireless, plug it into the Ethernet port of a wireless router
- **Print efficiently** with the 50-sheet automatic document feeder and automated 4 x 6" photo tray
- **Fax fast, in color**, with or without a PC, plus eliminate unwanted junk faxes³
- **Print documents fast** at up to 32 pages per minute black, 31 color
- **Print photos** in as little time as 12 seconds with the world's fastest photo All-in-One¹
- **Save ink and money**: with the six individual HP Vivera ink jet cartridges, you replace only the ones that run out

Photo versatility

- **Print photos** and reprints without a PC using memory cards⁴
- **Print rich, realistic photos** and laser-quality text using HP's Vivera inks
- **Print quick snapshots from your PC** via the Hi-Speed USB 2.0 connection⁵
- **Do borderless shots⁶** and panoramas
- **Make professional-quality reprints** with consistently accurate color reproduction, no PC needed
- **Do superb scans** of photos and documents and restore damaged photos with the 4800 x 4800 dpi scanning resolution⁷, plus remove scratches on images
- **Easily print, e-mail, and save photos** using the HP Photosmart Express software
- **Resist photo fading⁸** for generations and retain document clarity for decades⁹
- **Remove red eye and enhance detail** with the touch of a button using HP's convenient Photo Fix feature
- **Get creative**: do artsy projects using the HP Photosmart software

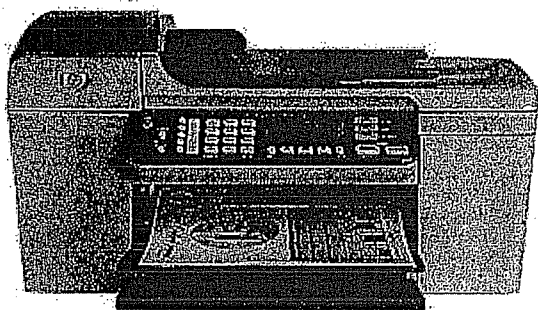
Accessories and options

- **Personalize CDs and DVDs** with tattoos featuring your photos and text¹⁰
- **Print on both sides** of the page with optional automatic two-sided printing¹¹

Award-winning support

- **Get peace of mind** with the one-year limited warranty plus HP's Total Care advice and support
- **Rely on printing excellence**: HP has won PC Magazine's Readers' Choice Award for service and reliability (as a result of its reader satisfaction survey) for 15 years running
- **Get product questions answered toll-free, 24 x 7**, or via e-mail in as little time as an hour—at www.HP.com/go/totalcare

HP Officejet 5610 All-in-One



Price	\$109.99
Save \$10 with instant rebate	-\$10.00
Price after rebate	\$99.99

Overview

Put speed and efficiency into play in your home office with the compact and reliable HP Officejet 5610 All-in-One. Highlights include a junk fax barrier¹, a versatile glass surface for increased flexibility, and a 25-sheet automatic document feeder.

Speed plus high quality . . . right in your own home

- **Get everything done fast and efficiently**—print and copy up to 20 pages per minute in black and up to 13 pages per minute in color
- **Automatically copy, scan, and send faxes** with the 25-sheet document feeder
- **Get high-quality scanning** of documents and photos with 1200 x 2400 dpi optical resolution and 48-bit color depth
- **Get first-rate black and color faxing** fast, at 33.6 Kbps, with or without a PC connection
- **Save money** with HP inkjet cartridges, which are designed for optimal ink usage

Professional-looking reports, brochures, photos

- **Print and copy text in laser quality**, plus get true-to-life-color photos in optional six-ink color²
- **Give your photos great fade resistance** when you use select HP papers and inks
- **Automatically remove red eye and enhance detail** in dark areas of photos with HP's Real Life technologies
- **Print and copy 4 x 6" borderless prints³** or with borders in any size up to 8.5 x 11"

A wealth of productivity features

- **Use the one-touch buttons** to fax, copy, and scan without your computer
- **Automatically block junk-fax numbers** displayed on your caller ID¹
- **E-mail photos without large attachments** with HP Instant Share⁴
- **Enhance photos and image-rich brochures** with HP Image Zone
- **Stay on top of ink replacement** with HP SureSupply⁵: receive alerts when a cartridge is low, monitor its remaining life, and enjoy easy on-line ordering or check stock and prices at nearby stores
- **Get exclusive offers and rewards discounts** on HP ink, toner, and paper, plus shop from a list of customized printing supplies and get free next-day shipping with our "My Print Rewards" program

Award-winning support

- **Get peace of mind** with the one-year limited warranty plus HP's Total Care advice and support
- **Rely on printing excellence:** HP has won PC Magazine's Readers' Choice Award for service and reliability (as a result of its reader satisfaction survey) for 15 years running
- **Get product questions answered toll-free, 24 x 7, or via e-mail** in as little time as an hour—at www.HP.com/go/totalcare.

EXHIBIT D. Validation Questionnaire

MONROE MENDELSON RESEARCH, INC.
841 BROADWAY NEW YORK, NY 10003
(800) 223-7620 (212) 677-8971 (FAX #)

MMR #4450P
January, 2008

PRINTER SURVEY

VALIDATION QUESTIONNAIRE

INTRODUCTION: Hello, my name is _____. Our records indicate that you recently participated in a survey. I'm not trying to sell you anything, I just need to ask you a few short questions about that survey.

1. Did you recently participate in an interview in a shopping mall where you were shown a description of a color ink jet printer, asked to read it and then asked some questions about it?

Yes.....()

No.....()---MAKE NOTE

2. Do you work in that mall?

Yes.....()---MAKE NOTE

No.....()

3. Prior to this interview, had you been interviewed in any mall in the past three months?

Yes.....()---MAKE NOTE

No.....()

4. Do you or does anyone in your household work for an advertising agency, marketing research firm or in the production, distribution or sale of computers, cameras or printers?

Yes.....()---MAKE NOTE

No.....()

5. When you were interviewed, did you say that you had either bought a color ink jet printer in the past 12 months and/or thought you might buy a color ink jet printer in the next 12 months?

Yes.....()

No.....()---MAKE NOTE

6. Finally, are you 18 years of age or older?

Yes.....()

No.....()---MAKE NOTE

The following abbreviations are to be used:

NA =	No answer
BZ =	Busy
DS =	Disconnect/Not in service
AM =	Answering machine
RRN# =	Respondent reported not at that number
RF =	Refused to complete validation questions
CB =	Callback
RNA =	Respondent not available
CM =	Complete
LB =	Language barrier

MONROE MENDELSON RESEARCH, INC.
 841 BROADWAY NEW YORK, NY 10003
 (800) 223-7620 (212) 677-8971 (FAX #)

MMR #4462
 February, 2008

PRINTER SURVEY

VALIDATION QUESTIONNAIRE

INTRODUCTION: Hello, my name is _____. Our records indicate that you recently participated in a survey. I'm not trying to sell you anything, I just need to ask you a few short questions about that survey.

1. Did you recently participate in an interview in a shopping mall where you were shown a description of a color ink jet printer, asked to read it and then asked some questions about it?

Yes.....()

No.....()---MAKE NOTE

2. Do you work in that mall?

Yes.....()---MAKE NOTE

No.....()

3. Prior to this interview, had you been interviewed in any mall in the past three months?

Yes.....()---MAKE NOTE

No.....()

4. Do you or does anyone in your household work for an advertising agency, marketing research firm or in the production, distribution or sale of computers, cameras or printers?

Yes.....()---MAKE NOTE

No.....()

5. When you were interviewed, did you say that you had either bought a color ink jet printer in the past 12 months and/or thought you might buy a color ink jet printer in the next 12 months?

Yes.....()

No.....()---MAKE NOTE

6. Finally, are you 18 years of age or older?

Yes.....()

No.....()---MAKE NOTE

The following abbreviations are to be used:

NA =	No answer
BZ =	Busy
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RF =	Refused to complete validation questions
CB =	Callback
RNA =	Respondent not available
CM =	Complete
LB =	Language barrier

EXHIBIT E. Survey Data - Verbatims

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
107	same price			\$0.00	0.26738
116	same price			\$0.00	0.534759
118	same price			\$0.00	0.802139
157	same price			\$0.00	1.069519
160	same price			\$0.00	1.336898
164	same price			\$0.00	1.604278
166	same price			\$0.00	1.871658
170	same price			\$0.00	2.139037
175	same price			\$0.00	2.406417
187	same price			\$0.00	2.673797
189	same price			\$0.00	2.941176
196	same price			\$0.00	3.208556
197	same price			\$0.00	3.475936
209	same price			\$0.00	3.743316
210	same price			\$0.00	4.010695
212	same price			\$0.00	4.278075
221	same price			\$0.00	4.545455
225	same price			\$0.00	4.812834
226	same price			\$0.00	5.080214
233	same price			\$0.00	5.347594
238	same price			\$0.00	5.614973
248	same price			\$0.00	5.882353
252	same price			\$0.00	6.149733
254	same price			\$0.00	6.417112
262	same price			\$0.00	6.684492
300	same price			\$0.00	6.951872
352	same price			\$0.00	7.219251
367	same price			\$0.00	7.486631
374	same price			\$0.00	7.754011
394	same price			\$0.00	8.02139
397	same price			\$0.00	8.28877
409	same price			\$0.00	8.55615
413	same price			\$0.00	8.823529
419	same price			\$0.00	9.090909
423	same price			\$0.00	9.358289
424	same price			\$0.00	9.625668
427	same price			\$0.00	9.893048
431	same price			\$0.00	10.16043
434	same price			\$0.00	10.42781
435	same price			\$0.00	10.69519
436	same price			\$0.00	10.96257
442	same price			\$0.00	11.22995
444	same price			\$0.00	11.49733
453	same price			\$0.00	11.76471
475	same price			\$0.00	12.03209
478	same price			\$0.00	12.29947
479	same price			\$0.00	12.56684
480	same price			\$0.00	12.83422
499	same price			\$0.00	13.1016
500	same price			\$0.00	13.36898
505	same price			\$0.00	13.63636

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
506	same price			\$0.00	13.90374
507	same price			\$0.00	14.17112
516	same price			\$0.00	14.4385
288	cost less	Don't know	Less than \$1.00	\$0.50	14.70588
345	cost less	Don't know	Less than \$1.00	\$0.50	14.97326
177	cost less	Don't know	\$1.00 - \$4.99	\$1.00	15.24064
292	cost less	Don't know	\$1.00 - \$4.99	\$1.00	15.50802
425	cost less	Don't know	\$1.00 - \$4.99	\$1.00	15.7754
456	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.04278
466	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.31016
473	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.57754
474	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.84492
172	cost less	Don't know	\$5.00 - \$9.99	\$5.00	17.1123
184	cost less	Don't know	\$5.00 - \$9.99	\$5.00	17.37968
185	cost less	Don't know	\$5.00 - \$9.99	\$5.00	17.64706
204	cost less	Don't know	\$5.00 - \$9.99	\$5.00	17.91444
207	cost less	Don't know	\$5.00 - \$9.99	\$5.00	18.18182
260	cost less	Don't know	\$5.00 - \$9.99	\$5.00	18.4492
299	cost less	Don't know	\$5.00 - \$9.99	\$5.00	18.71658
370	cost less	Don't know	\$5.00 - \$9.99	\$5.00	18.98396
457	cost less	Don't know	\$5.00 - \$9.99	\$5.00	19.25134
463	cost less	Don't know	\$5.00 - \$9.99	\$5.00	19.51872
464	cost less	Don't know	\$5.00 - \$9.99	\$5.00	19.7861
476	cost less	I think without that, the product will be \$5 dollars cheaper.		\$5.00	20.05348
174	cost less	Don't know	\$10.00 - \$19.99	\$10.00	20.32086
186	cost less	Don't know	\$10.00 - \$19.99	\$10.00	20.58824
203	cost less	Don't know	\$10.00 - \$19.99	\$10.00	20.85561
243	cost less	Don't know	\$10.00 - \$19.99	\$10.00	21.12299
253	cost less	\$10.00		\$10.00	21.39037
265	cost less	\$10.00		\$10.00	21.65775
268	cost less	\$10.00 Less		\$10.00	21.92513
271	cost less	Don't know	\$10.00 - \$19.99	\$10.00	22.19251
287	cost less	Don't know	\$10.00 - \$19.99	\$10.00	22.45989
426	cost less	Don't know	\$10.00 - \$19.99	\$10.00	22.72727
460	cost less	Don't know	\$10.00 - \$19.99	\$10.00	22.99465
461	cost less	Don't know	\$10.00 - \$19.99	\$10.00	23.26203
482	cost less	Don't know	\$10.00 - \$19.99	\$10.00	23.52941
484	cost less	Don't know	\$10.00 - \$19.99	\$10.00	23.79679
486	cost less	10.00		\$10.00	24.06417
489	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.33155
498	cost less	10.00		\$10.00	24.59893
517	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.86631
294	cost less	15.00		\$15.00	25.13369
343	cost less	15.00		\$15.00	25.40107
410	cost less	Taking a stab at the dark but \$15.00 dollars comes to mind.		\$15.00	25.66845
450	cost less	\$10 - \$20		\$15.00	25.93583
101	cost less	20		\$20.00	26.20321
106	cost less	Don't know	\$20.00 or more	\$20.00	26.47059
111	cost less	Don't know	\$20.00 or more	\$20.00	26.73797

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
130	cost less	\$20		\$20.00	27.00535
135	cost less	\$20		\$20.00	27.27273
144	cost less	Don't know	\$20.00 or more	\$20.00	27.54011
162	cost less	\$20.00		\$20.00	27.80749
167	cost less	Don't know	\$20.00 or more	\$20.00	28.07487
208	cost less	\$20		\$20.00	28.34225
211	cost less	\$20		\$20.00	28.60963
257	cost less	\$20.00		\$20.00	28.87701
261	cost less	Don't know	\$20.00 or more	\$20.00	29.14439
270	cost less	About 20.00 Less		\$20.00	29.41176
272	cost less	Don't know	\$20.00 or more	\$20.00	29.67914
274	cost less	Don't know	\$20.00 or more	\$20.00	29.94652
277	cost less	\$20.00		\$20.00	30.2139
280	cost less	20.00		\$20.00	30.48128
290	cost less	Don't know	\$20.00 or more	\$20.00	30.74866
295	cost less	Don't know	\$20.00 or more	\$20.00	31.01604
302	cost less	Don't know	\$20.00 or more	\$20.00	31.28342
303	cost less	Don't know	\$20.00 or more	\$20.00	31.5508
304	cost less	Don't know	\$20.00 or more	\$20.00	31.81818
305	cost less	Don't know	\$20.00 or more	\$20.00	32.08556
306	cost less	Don't know	\$20.00 or more	\$20.00	32.35294
337	cost less	Don't know	\$20.00 or more	\$20.00	32.62032
340	cost less	20 less		\$20.00	32.8877
342	cost less	20.00		\$20.00	33.15508
381	cost less	20.00		\$20.00	33.42246
401	cost less	Like \$20 less		\$20.00	33.68984
412	cost less	Don't know	\$20.00 or more	\$20.00	33.95722
422	cost less	Don't know	\$20.00 or more	\$20.00	34.2246
449	cost less	Don't know	\$20.00 or more	\$20.00	34.49198
458	cost less	Don't know	\$20.00 or more	\$20.00	34.75936
459	cost less	Don't know	\$20.00 or more	\$20.00	35.02674
485	cost less	About \$20 less		\$20.00	35.29412
494	cost less	Don't know	\$20.00 or more	\$20.00	35.5615
497	cost less	Don't know	\$20.00 or more	\$20.00	35.82888
501	cost less	20.00		\$20.00	36.09626
502	cost less	Don't know	\$20.00 or more	\$20.00	36.36364
503	cost less	Don't know	\$20.00 or more	\$20.00	36.63102
508	cost less	20.00		\$20.00	36.8984
104	cost less	\$25		\$25.00	37.16578
158	cost less	\$25		\$25.00	37.43316
188	cost less	\$25		\$25.00	37.70053
190	cost less	The model would be about \$25 cheaper.		\$25.00	37.96791
199	cost less	About twenty or thirty.		\$25.00	38.23529
247	cost less	\$25.00		\$25.00	38.50267
266	cost less	Around twenty or thirty bucks.		\$25.00	38.77005
338	cost less	\$25		\$25.00	39.03743
369	cost less	Things with new technology always cost more. \$25.00		\$25.00	39.30481
375	cost less	\$25.00 less		\$25.00	39.57219
380	cost less	25.00		\$25.00	39.83957
399	cost less	\$25		\$25.00	40.10695

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
481	cost less	I think without the adaptive lighting, this would be \$25 cheaper.	\$25.00	40.37433
487	cost less	\$25.00 less	\$25.00	40.64171
496	cost less	20 or 30 bucks, don't know.	\$25.00	40.90909
115	cost less	30 bucks	\$30.00	41.17647
125	cost less	\$30	\$30.00	41.44385
127	cost less	\$30	\$30.00	41.71123
180	cost less	\$30.00	\$30.00	41.97861
441	cost less	\$30	\$30.00	42.24599
451	cost less	30.00	\$30.00	42.51337
518	cost less	\$30.00	\$30.00	42.78075
113	cost less	Ummm, 40ish	\$40.00	43.04813
147	cost less	40.00	\$40.00	43.31551
200	cost less	Fifty dollars difference, probably \$259. NOTE: \$50 LESS WOULD BE \$249	\$40.00	43.58289
278	cost less	\$40.00	\$40.00	43.85027
347	cost less	40.00	\$40.00	44.11765
372	cost less	40.00	\$40.00	44.38503
417	cost less	\$40.00	\$40.00	44.65241
452	cost less	\$40.00	\$40.00	44.91979
492	cost less	About fifteen percent less.	\$45.00	45.18717
109	cost less	\$50	\$50.00	45.45455
112	cost less	Probably like \$50	\$50.00	45.72193
114	cost less	\$50	\$50.00	45.9893
117	cost less	Like fifty dollars	\$50.00	46.25668
126	cost less	\$50	\$50.00	46.52406
134	cost less	\$50	\$50.00	46.79144
138	cost less	50.00	\$50.00	47.05882
143	cost less	50.00	\$50.00	47.3262
145	cost less	50.00	\$50.00	47.59358
146	cost less	50.00	\$50.00	47.86096
148	cost less	\$50	\$50.00	48.12834
152	cost less	\$50	\$50.00	48.39572
153	cost less	\$50	\$50.00	48.6631
161	cost less	\$50.00	\$50.00	48.93048
163	cost less	\$50.00	\$50.00	49.19786
165	cost less	\$50.00	\$50.00	49.46524
168	cost less	\$50	\$50.00	49.73262
179	cost less	\$50.00	\$50.00	50
191	cost less	I would say about fifty dollars less.	\$50.00	50.26738
195	cost less	\$50	\$50.00	50.53476
215	cost less	\$50	\$50.00	50.80214
216	cost less	\$50	\$50.00	51.06952
217	cost less	\$50	\$50.00	51.3369
218	cost less	\$50	\$50.00	51.60428
222	cost less	50.00	\$50.00	51.87166
224	cost less	50.00	\$50.00	52.13904
239	cost less	50.00	\$50.00	52.40642
241	cost less	50.00	\$50.00	52.6738
242	cost less	50.00	\$50.00	52.94118
245	cost less	50.00	\$50.00	53.20856

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
246	cost less	50.00		\$50.00	53.47594
249	cost less	\$50		\$50.00	53.74332
250	cost less	50		\$50.00	54.0107
255	cost less	\$50		\$50.00	54.27807
258	cost less	\$50.00		\$50.00	54.54545
264	cost less	About fifty bucks		\$50.00	54.81283
269	cost less	50.00 Less		\$50.00	55.08021
276	cost less	Maybe 50.00 less		\$50.00	55.34759
281	cost less	\$50.00		\$50.00	55.61497
283	cost less	\$50 less		\$50.00	55.88235
284	cost less	\$50 less		\$50.00	56.14973
310	cost less	50.00		\$50.00	56.41711
313	cost less	50.00		\$50.00	56.68449
314	cost less	\$50		\$50.00	56.95187
316	cost less	\$50		\$50.00	57.21925
317	cost less	\$50		\$50.00	57.48663
319	cost less	\$50		\$50.00	57.75401
325	cost less	\$50		\$50.00	58.02139
327	cost less	50.00		\$50.00	58.28877
328	cost less	50.00		\$50.00	58.55615
329	cost less	50.00		\$50.00	58.82353
330	cost less	50.00		\$50.00	59.09091
332	cost less	50.00		\$50.00	59.35829
341	cost less	50.00		\$50.00	59.62567
344	cost less	50.00		\$50.00	59.89305
346	cost less	\$50.00 less		\$50.00	60.16043
349	cost less	\$50.00		\$50.00	60.42781
355	cost less	\$50.00		\$50.00	60.69519
358	cost less	50.00		\$50.00	60.96257
363	cost less	50.00		\$50.00	61.22995
365	cost less	50.00		\$50.00	61.49733
368	cost less	\$50.00		\$50.00	61.76471
378	cost less	\$50 less		\$50.00	62.03209
384	cost less	\$50.00 less		\$50.00	62.29947
389	cost less	\$50		\$50.00	62.56684
396	cost less	\$50		\$50.00	62.83422
403	cost less	About \$50 less		\$50.00	63.1016
404	cost less	\$50 less		\$50.00	63.36898
405	cost less	\$50 less		\$50.00	63.63636
411	cost less	Maybe fifty dollars		\$50.00	63.90374
415	cost less	\$50		\$50.00	64.17112
421	cost less	\$50.00		\$50.00	64.4385
428	cost less	Probably like \$50.00		\$50.00	64.70588
432	cost less	Maybe \$50.00 less		\$50.00	64.97326
437	cost less	\$50.00 less		\$50.00	65.24064
439	cost less	\$50.00		\$50.00	65.50802
440	cost less	\$50.00		\$50.00	65.7754
445	cost less	\$50.00		\$50.00	66.04278
446	cost less	\$50.00		\$50.00	66.31016
454	cost less	50.00		\$50.00	66.57754

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
477	cost less	I think the product would be about \$50 cheaper.		\$50.00	66.84492
483	cost less	Maybe a extra 50.00		\$50.00	67.1123
504	cost less	\$50.00		\$50.00	67.37968
510	cost less	\$50.00		\$50.00	67.64706
513	cost less	\$50.00		\$50.00	67.91444
406	cost less	\$55 less		\$55.00	68.18182
110	cost less	\$60		\$60.00	68.4492
132	cost less	\$60		\$60.00	68.71658
229	cost less	60.00		\$60.00	68.98396
291	cost less	\$60.00		\$60.00	69.25134
312	cost less	60.00		\$60.00	69.51872
366	cost less	60.00		\$60.00	69.7861
385	cost less	60.00		\$60.00	70.05348
390	cost less	Well, \$60 about		\$60.00	70.32086
429	cost less	\$60.00		\$60.00	70.58824
198	cost less	Maybe fifty or seventy five dollars.		\$62.50	70.85561
282	cost less	\$50 - 75 less		\$62.50	71.12299
128	cost less	\$70		\$70.00	71.39037
131	cost less	\$70		\$70.00	71.65775
392	cost less	\$70		\$70.00	71.92513
400	cost less	\$70 less		\$70.00	72.19251
455	cost less	\$70		\$70.00	72.45989
140	cost less	75.00		\$75.00	72.72727
214	cost less	\$75		\$75.00	72.99465
219	cost less	\$75		\$75.00	73.26203
232	cost less	75.00		\$75.00	73.52941
315	cost less	\$75		\$75.00	73.79679
318	cost less	\$75		\$75.00	74.06417
321	cost less	\$75		\$75.00	74.33155
336	cost less	\$75		\$75.00	74.59893
359	cost less	75.00		\$75.00	74.86631
361	cost less	50 - 100		\$75.00	75.13369
362	cost less	75.00		\$75.00	75.40107
373	cost less	75.00		\$75.00	75.66845
490	cost less	Between fifty or 100 bucks.		\$75.00	75.93583
511	cost less	\$75		\$75.00	76.20321
137	cost less	\$80		\$80.00	76.47059
331	cost less	80.00		\$80.00	76.73797
391	cost less	Around \$80 less		\$80.00	77.00535
416	cost less	Eighty dollars		\$80.00	77.27273
237	cost less	85.00		\$85.00	77.54011
279	cost less	\$89.00		\$89.00	77.80749
387	cost less	\$90.00		\$90.00	78.07487
393	cost less	Around \$90 less		\$90.00	78.34225
443	cost less	\$90.00		\$90.00	78.60963
103	cost less	\$100		\$100.00	78.87701
105	cost less	\$100		\$100.00	79.14439
108	cost less	\$100		\$100.00	79.41176
119	cost less	Hundred dollars less		\$100.00	79.67914
122	cost less	\$100		\$100.00	79.94652

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
123	cost less	\$100 or more		\$100.00	80.2139
124	cost less	\$100		\$100.00	80.48128
129	cost less	\$100		\$100.00	80.74866
133	cost less	\$100		\$100.00	81.01604
136	cost less	\$100		\$100.00	81.28342
139	cost less	100.00		\$100.00	81.5508
141	cost less	100.00		\$100.00	81.81818
142	cost less	100.00		\$100.00	82.08556
149	cost less	\$100		\$100.00	82.35294
150	cost less	\$100		\$100.00	82.62032
151	cost less	\$100		\$100.00	82.8877
155	cost less	\$100		\$100.00	83.15508
156	cost less	\$100		\$100.00	83.42246
159	cost less	\$100.00		\$100.00	83.68984
227	cost less	100.00		\$100.00	83.95722
228	cost less	\$100.00 less		\$100.00	84.2246
230	cost less	100.00		\$100.00	84.49198
235	cost less	100.00		\$100.00	84.75936
236	cost less	100.00		\$100.00	85.02674
244	cost less	\$100.00		\$100.00	85.29412
259	cost less	100.00		\$100.00	85.5615
273	cost less	100.00		\$100.00	85.82888
275	cost less	Around a 100.00 less.		\$100.00	86.09626
289	cost less	\$100.00		\$100.00	86.36364
296	cost less	Expensive 100.00		\$100.00	86.63102
311	cost less	100.00		\$100.00	86.8984
320	cost less	\$100		\$100.00	87.16578
323	cost less	\$100		\$100.00	87.43316
326	cost less	\$100		\$100.00	87.70053
334	cost less	100.00		\$100.00	87.96791
335	cost less	100.00		\$100.00	88.23529
339	cost less	100 less		\$100.00	88.50267
354	cost less	\$100.00		\$100.00	88.77005
360	cost less	100.00		\$100.00	89.03743
376	cost less	\$100		\$100.00	89.30481
379	cost less	\$100 less		\$100.00	89.57219
386	cost less	\$100.00		\$100.00	89.83957
388	cost less	\$100		\$100.00	90.10695
395	cost less	\$100		\$100.00	90.37433
398	cost less	\$100.00		\$100.00	90.64171
402	cost less	Around \$100 less		\$100.00	90.90909
407	cost less	100 dollars less		\$100.00	91.17647
408	cost less	Probably like a hundred dollars less		\$100.00	91.44385
418	cost less	\$100		\$100.00	91.71123
420	cost less	\$100.00		\$100.00	91.97861
430	cost less	\$100.00 less		\$100.00	92.24599
433	cost less	Like a \$100.00 less		\$100.00	92.51337
438	cost less	\$100.00		\$100.00	92.78075
447	cost less	\$100.00		\$100.00	93.04813
448	cost less	\$100		\$100.00	93.31551
493	cost less	About 100 bucks.		\$100.00	93.58289

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
495	cost less	One hundred bucks.		\$100.00	93.85027
514	cost less	\$100.00		\$100.00	94.11765
515	cost less	\$100.00 or more		\$100.00	94.38503
383	cost less	\$200.00 more		\$100.00	94.65241
353	cost less	120.00 less		\$120.00	94.91979
512	cost less	\$120		\$120.00	95.18717
251	cost less	\$99.00 - 150.00		\$124.50	95.45455
286	cost less	\$100 - 150 less		\$125.00	95.72193
377	cost less	\$125 less		\$125.00	95.9893
193	cost less	\$150.00		\$150.00	96.25668
223	cost less	150.00		\$150.00	96.52406
263	cost less	150.00		\$150.00	96.79144
298	cost less	150.00		\$150.00	97.05882
333	cost less	150.00		\$150.00	97.3262
348	cost less	150.00		\$150.00	97.59358
509	cost less	150.00		\$150.00	97.86096
301	cost less	I'd probably have to say \$159.99.		\$159.99	98.12834
324	cost less	\$175		\$175.00	98.39572
154	cost less	\$200		\$200.00	98.6631
182	cost less	\$200.00		\$200.00	98.93048
183	cost less	\$200.00		\$200.00	99.19786
194	cost less	200		\$200.00	99.46524
322	cost less	\$200		\$200.00	99.73262
364	cost less	200		\$200.00	100
			SUM:	\$18,411.49	
			MEAN:	\$49.23	
			MEDIAN:	\$50.00	

MMR #4450 Printer Survey

HP Photosmart C6180 All-in-One

Price: \$299.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
FOLLOWING RESP NOT IN MEAN/MEDIAN (Q.1/2 = Don't know)					
307	dk			NA	
350	dk			NA	
351	dk			NA	
414	dk			NA	
462	dk			NA	
465	dk			NA	
472	dk			NA	
488	dk			NA	
309	dk			NA	
356	dk			NA	
357	dk			NA	
469	dk			NA	
470	dk			NA	
471	dk			NA	
173	dk			NA	
178	dk			NA	
181	dk			NA	
201	dk			NA	
205	dk			NA	
220	dk			NA	
234	dk			NA	
240	dk			NA	
256	dk			NA	
102	dk			NA	
169	dk			NA	
176	dk			NA	
231	dk			NA	
285	cost less	Don't know	Don't know	NA	
308	cost less	Don't know	Don't know	NA	
382	cost less	Don't know	Don't know	NA	
297	cost less	Don't know	Don't know	NA	
202	cost less	Don't know	Don't know	NA	
206	cost less	Don't know	Don't know	NA	
171	cost less	Don't know	Don't know	NA	
FOLLOWING RESP NOT IN MEAN/MEDIAN (Q.2 = questionable response)					
192	cost less	250		NA	

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
128	same price			\$0.00	0.268097
143	same price			\$0.00	0.536193
337	same price			\$0.00	0.80429
191	same price			\$0.00	1.072386
320	same price			\$0.00	1.340483
322	same price			\$0.00	1.608579
327	same price			\$0.00	1.876676
330	same price			\$0.00	2.144772
196	same price			\$0.00	2.412869
198	same price			\$0.00	2.680965
212	same price			\$0.00	2.949062
460	same price			\$0.00	3.217158
240	same price			\$0.00	3.485255
241	same price			\$0.00	3.753351
278	same price			\$0.00	4.021448
279	same price			\$0.00	4.289544
290	same price			\$0.00	4.557641
304	same price			\$0.00	4.825737
305	same price			\$0.00	5.093834
310	same price			\$0.00	5.36193
311	same price			\$0.00	5.630027
315	same price			\$0.00	5.898123
317	same price			\$0.00	6.16622
484	same price			\$0.00	6.434316
486	same price			\$0.00	6.702413
385	same price			\$0.00	6.970509
395	same price			\$0.00	7.238606
398	same price			\$0.00	7.506702
111	same price			\$0.00	7.774799
116	same price			\$0.00	8.042895
507	same price			\$0.00	8.310992
161	same price			\$0.00	8.579088
164	same price			\$0.00	8.847185
166	same price			\$0.00	9.115282
169	same price			\$0.00	9.383378
180	same price			\$0.00	9.651475
333	same price			\$0.00	9.919571
342	same price			\$0.00	10.18767
349	same price			\$0.00	10.45576
455	same price			\$0.00	10.72386
199	same price			\$0.00	10.99196
201	same price			\$0.00	11.26005
210	same price			\$0.00	11.52815
459	same price			\$0.00	11.79625
245	same price			\$0.00	12.06434
252	same price			\$0.00	12.33244
520	same price			\$0.00	12.60054
282	same price			\$0.00	12.86863
286	same price			\$0.00	13.13673
483	same price			\$0.00	13.40483
301	same price			\$0.00	13.67292

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
302	same price			\$0.00	13.94102
309	same price			\$0.00	14.20912
313	same price			\$0.00	14.47721
318	same price			\$0.00	14.74531
354	same price			\$0.00	15.0134
363	same price			\$0.00	15.2815
374	same price			\$0.00	15.5496
431	cost less	Don't know	Less than \$1.00	\$0.50	15.81769
406	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.08579
412	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.35389
417	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.62198
419	cost less	Don't know	\$1.00 - \$4.99	\$1.00	16.89008
435	cost less	Don't know	\$1.00 - \$4.99	\$1.00	17.15818
442	cost less	Don't know	\$1.00 - \$4.99	\$1.00	17.42627
447	cost less	Don't know	\$1.00 - \$4.99	\$1.00	17.69437
448	cost less	Don't know	\$1.00 - \$4.99	\$1.00	17.96247
405	cost less	Don't know	\$1.00 - \$4.99	\$1.00	18.23056
416	cost less	Don't know	\$1.00 - \$4.99	\$1.00	18.49866
437	cost less	Don't know	\$1.00 - \$4.99	\$1.00	18.76676
441	cost less	Don't know	\$1.00 - \$4.99	\$1.00	19.03485
450	cost less	Don't know	\$1.00 - \$4.99	\$1.00	19.30295
452	cost less	Don't know	\$1.00 - \$4.99	\$1.00	19.57105
453	cost less	Don't know	\$1.00 - \$4.99	\$1.00	19.83914
215	cost less	Don't know	\$1.00 - \$4.99	\$1.00	20.10724
440	cost less	2.00		\$2.00	20.37534
102	cost less	Don't know	\$5.00 - \$9.99	\$5.00	20.64343
103	cost less	Don't know	\$5.00 - \$9.99	\$5.00	20.91153
133	cost less	Don't know	\$5.00 - \$9.99	\$5.00	21.17962
423	cost less	Don't know	\$5.00 - \$9.99	\$5.00	21.44772
115	cost less	Don't know	\$5.00 - \$9.99	\$5.00	21.71582
497	cost less	Don't know	\$5.00 - \$9.99	\$5.00	21.98391
413	cost less	Don't know	\$5.00 - \$9.99	\$5.00	22.25201
427	cost less	Don't know	\$5.00 - \$9.99	\$5.00	22.52011
439	cost less	Don't know	\$5.00 - \$9.99	\$5.00	22.7882
444	cost less	Don't know	\$5.00 - \$9.99	\$5.00	23.0563
446	cost less	Don't know	\$5.00 - \$9.99	\$5.00	23.3244
292	cost less	Don't know	\$5.00 - \$9.99	\$5.00	23.59249
396	cost less	5.00		\$5.00	23.86059
489	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.12869
490	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.39678
491	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.66488
506	cost less	Don't know	\$10.00 - \$19.99	\$10.00	24.93298
493	cost less	Don't know	\$10.00 - \$19.99	\$10.00	25.20107
125	cost less	Don't know	\$10.00 - \$19.99	\$10.00	25.46917
131	cost less	Don't know	\$10.00 - \$19.99	\$10.00	25.73727
171	cost less	Don't know	\$10.00 - \$19.99	\$10.00	26.00536
324	cost less	Don't know	\$10.00 - \$19.99	\$10.00	26.27346
454	cost less	Don't know	\$10.00 - \$19.99	\$10.00	26.54155
202	cost less	Don't know	\$10.00 - \$19.99	\$10.00	26.80965
220	cost less	Don't know	\$10.00 - \$19.99	\$10.00	27.07775
221	cost less	Don't know	\$10.00 - \$19.99	\$10.00	27.34584

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
414	cost less	Don't know	\$10.00 - \$19.99	\$10.00	27.61394
418	cost less	Don't know	\$10.00 - \$19.99	\$10.00	27.88204
445	cost less	Don't know	\$10.00 - \$19.99	\$10.00	28.15013
451	cost less	Don't know	\$10.00 - \$19.99	\$10.00	28.41823
101	cost less	Don't know	\$10.00 - \$19.99	\$10.00	28.68633
498	cost less	Don't know	\$10.00 - \$19.99	\$10.00	28.95442
122	cost less	Don't know	\$10.00 - \$19.99	\$10.00	29.22252
123	cost less	Don't know	\$10.00 - \$19.99	\$10.00	29.49062
341	cost less	Don't know	\$10.00 - \$19.99	\$10.00	29.75871
203	cost less	Don't know	\$10.00 - \$19.99	\$10.00	30.02681
428	cost less	Don't know	\$10.00 - \$19.99	\$10.00	30.29491
443	cost less	Don't know	\$10.00 - \$19.99	\$10.00	30.563
213	cost less	Don't know	\$10.00 - \$19.99	\$10.00	30.8311
120	cost less	\$10.00		\$10.00	31.0992
514	cost less	\$10.00		\$10.00	31.36729
141	cost less	\$10.00		\$10.00	31.63539
297	cost less	10.00		\$10.00	31.90349
353	cost less	\$10		\$10.00	32.17158
359	cost less	\$10		\$10.00	32.43968
372	cost less	\$10		\$10.00	32.70777
377	cost less	\$10		\$10.00	32.97587
402	cost less	\$10		\$10.00	33.24397
488	cost less	\$10		\$10.00	33.51206
167	cost less	\$10.00		\$10.00	33.78016
186	cost less	\$10		\$10.00	34.04826
326	cost less	\$10		\$10.00	34.31635
473	cost less	10.00		\$10.00	34.58445
476	cost less	10.00		\$10.00	34.85255
480	cost less	\$10.00		\$10.00	35.12064
308	cost less	\$10.00		\$10.00	35.38874
316	cost less	10.00		\$10.00	35.65684
371	cost less	\$10		\$10.00	35.92493
407	cost less	10.00		\$10.00	36.19303
250	cost less	\$10.00 less maybe		\$10.00	36.46113
505	cost less	about \$10.00		\$10.00	36.72922
522	cost less	I would think it would cost about 10 dollars less.		\$10.00	36.99732
524	cost less	Maybe \$10 less.		\$10.00	37.26542
519	cost less	Maybe 10 - 15 dollars less		\$12.50	37.53351
397	cost less	14.00		\$14.00	37.80161
114	cost less	\$15.00		\$15.00	38.06971
121	cost less	\$15.00		\$15.00	38.3378
137	cost less	\$15.00		\$15.00	38.6059
177	cost less	\$15.00		\$15.00	38.87399
472	cost less	15.00		\$15.00	39.14209
477	cost less	15.00		\$15.00	39.41019
399	cost less	15.00		\$15.00	39.67828
135	cost less	\$15.00		\$15.00	39.94638
340	cost less	\$15		\$15.00	40.21448
182	cost less	\$15		\$15.00	40.48257
329	cost less	\$15.00		\$15.00	40.75067

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
209	cost less	\$15.00		\$15.00	41.01877
283	cost less	\$15.00		\$15.00	41.28686
380	cost less	\$15		\$15.00	41.55496
421	cost less	\$15.00		\$15.00	41.82306
346	cost less	\$10 - 20		\$15.00	42.09115
183	cost less	\$10 - 20		\$15.00	42.35925
517	cost less	\$15 less		\$15.00	42.62735
104	cost less	\$15.00 less		\$15.00	42.89544
471	cost less	17.00		\$17.00	43.16354
492	cost less	Don't know	\$20.00 or more	\$20.00	43.43164
494	cost less	Don't know	\$20.00 or more	\$20.00	43.69973
127	cost less	Don't know	\$20.00 or more	\$20.00	43.96783
132	cost less	Don't know	\$20.00 or more	\$20.00	44.23592
139	cost less	Don't know	\$20.00 or more	\$20.00	44.50402
200	cost less	Don't know	\$20.00 or more	\$20.00	44.77212
223	cost less	Don't know	\$20.00 or more	\$20.00	45.04021
404	cost less	Don't know	\$20.00 or more	\$20.00	45.30831
429	cost less	Don't know	\$20.00 or more	\$20.00	45.57641
430	cost less	Don't know	\$20.00 or more	\$20.00	45.8445
434	cost less	Don't know	\$20.00 or more	\$20.00	46.1126
499	cost less	Don't know	\$20.00 or more	\$20.00	46.3807
124	cost less	Don't know	\$20.00 or more	\$20.00	46.64879
126	cost less	Don't know	\$20.00 or more	\$20.00	46.91689
129	cost less	Don't know	\$20.00 or more	\$20.00	47.18499
130	cost less	Don't know	\$20.00 or more	\$20.00	47.45308
148	cost less	Don't know	\$20.00 or more	\$20.00	47.72118
168	cost less	Don't know	\$20.00 or more	\$20.00	47.98928
172	cost less	Don't know	\$20.00 or more	\$20.00	48.25737
173	cost less	Don't know	\$20.00 or more	\$20.00	48.52547
187	cost less	Don't know	\$20.00 or more	\$20.00	48.79357
219	cost less	Don't know	\$20.00 or more	\$20.00	49.06166
420	cost less	Don't know	\$20.00 or more	\$20.00	49.32976
426	cost less	Don't know	\$20.00 or more	\$20.00	49.59786
449	cost less	Don't know	\$20.00 or more	\$20.00	49.86595
495	cost less	\$20		\$20.00	50.13405
118	cost less	\$20.00		\$20.00	50.40214
119	cost less	\$20.00		\$20.00	50.67024
513	cost less	\$20.00		\$20.00	50.93834
150	cost less	\$20		\$20.00	51.20643
156	cost less	\$20		\$20.00	51.47453
162	cost less	\$20.00		\$20.00	51.74263
178	cost less	\$20		\$20.00	52.01072
331	cost less	\$20		\$20.00	52.27882
339	cost less	\$20		\$20.00	52.54692
189	cost less	\$20		\$20.00	52.81501
323	cost less	\$20		\$20.00	53.08311
217	cost less	\$20.00		\$20.00	53.35121
457	cost less	\$20		\$20.00	53.6193
227	cost less	\$20		\$20.00	53.8874
299	cost less	\$20.00		\$20.00	54.1555
481	cost less	\$20.00		\$20.00	54.42359

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
355	cost less	\$20		\$20.00	54.69169
357	cost less	\$20		\$20.00	54.95979
361	cost less	\$20		\$20.00	55.22788
376	cost less	\$20.00		\$20.00	55.49598
378	cost less	\$20		\$20.00	55.76408
382	cost less	20.00		\$20.00	56.03217
384	cost less	20.00		\$20.00	56.30027
401	cost less	20.00		\$20.00	56.56836
432	cost less	20.00		\$20.00	56.83646
105	cost less	\$20.00		\$20.00	57.10456
109	cost less	\$20.00		\$20.00	57.37265
110	cost less	\$20.00		\$20.00	57.64075
504	cost less	\$20.00		\$20.00	57.90885
149	cost less	\$20.00		\$20.00	58.17694
153	cost less	\$20		\$20.00	58.44504
332	cost less	\$20		\$20.00	58.71314
321	cost less	\$20.00		\$20.00	58.98123
207	cost less	\$20.00		\$20.00	59.24933
214	cost less	\$20.00		\$20.00	59.51743
216	cost less	\$20.00		\$20.00	59.78552
218	cost less	\$20.00		\$20.00	60.05362
243	cost less	\$20		\$20.00	60.32172
280	cost less	\$20.00		\$20.00	60.58981
479	cost less	\$20.00		\$20.00	60.85791
478	cost less	\$20.00		\$20.00	61.12601
350	cost less	\$20		\$20.00	61.3941
375	cost less	\$20.00		\$20.00	61.6622
386	cost less	20.00		\$20.00	61.93029
389	cost less	20.00		\$20.00	62.19839
392	cost less	20.00		\$20.00	62.46649
393	cost less	20.00		\$20.00	62.73458
394	cost less	20.00		\$20.00	63.00268
400	cost less	20.00		\$20.00	63.27078
229	cost less	\$20 less		\$20.00	63.53887
303	cost less	10-30.00		\$20.00	63.80697
411	cost less	20.00 less		\$20.00	64.07507
344	cost less	About \$20 cheaper		\$20.00	64.34316
521	cost less	About \$20 less		\$20.00	64.61126
508	cost less	about 20 bucks		\$20.00	64.87936
246	cost less	About 20 dollars		\$20.00	65.14745
515	cost less	about 20 dollars		\$20.00	65.41555
523	cost less	It would be \$20 less.		\$20.00	65.68365
249	cost less	Like 20 bucks		\$20.00	65.95174
251	cost less	Probably like \$20 bucks less		\$20.00	66.21984
242	cost less	Probably like 20 bucks		\$20.00	66.48794
174	cost less	\$20 - \$25.00		\$22.50	66.75603
192	cost less	\$20 - 25		\$22.50	67.02413
470	cost less	23.00		\$23.00	67.29223
509	cost less	\$25.00		\$25.00	67.56032
144	cost less	\$25.00		\$25.00	67.82842
146	cost less	\$25		\$25.00	68.09651

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
179	cost less	\$25		\$25.00	68.36461
181	cost less	\$25		\$25.00	68.63271
211	cost less	25.00		\$25.00	68.9008
485	cost less	\$25.00		\$25.00	69.1689
360	cost less	\$25		\$25.00	69.437
117	cost less	\$25.00		\$25.00	69.70509
503	cost less	\$25.00		\$25.00	69.97319
157	cost less	\$25.00		\$25.00	70.24129
197	cost less	\$25.00		\$25.00	70.50938
222	cost less	\$25.00		\$25.00	70.77748
284	cost less	\$25.00		\$25.00	71.04558
300	cost less	25.00		\$25.00	71.31367
358	cost less	\$25		\$25.00	71.58177
370	cost less	\$25		\$25.00	71.84987
373	cost less	\$25		\$25.00	72.11796
343	cost less	\$25 if that		\$25.00	72.38606
312	cost less	20-30.00		\$25.00	72.65416
510	cost less	about \$25		\$25.00	72.92225
244	cost less	I would say \$25 less		\$25.00	73.19035
525	cost less	It(sic) think it would be about \$25 less.		\$25.00	73.45845
136	cost less	\$30.00		\$30.00	73.72654
152	cost less	\$30		\$30.00	73.99464
165	cost less	\$30.00		\$30.00	74.26273
188	cost less	\$30		\$30.00	74.53083
233	cost less	\$30		\$30.00	74.79893
293	cost less	\$30.00		\$30.00	75.06702
294	cost less	\$30.00		\$30.00	75.33512
296	cost less	\$30.00		\$30.00	75.60322
367	cost less	\$30		\$30.00	75.87131
369	cost less	\$30		\$30.00	76.13941
496	cost less	\$30		\$30.00	76.40751
142	cost less	\$30.00		\$30.00	76.6756
158	cost less	30.00		\$30.00	76.9437
224	cost less	\$30.00		\$30.00	77.2118
257	cost less	\$30		\$30.00	77.47989
365	cost less	\$30		\$30.00	77.74799
368	cost less	\$30		\$30.00	78.01609
255	cost less	About \$30 less		\$30.00	78.28418
424	cost less	Less 30		\$30.00	78.55228
502	cost less	Oh \$30.00 bucks		\$30.00	78.82038
511	cost less	probably \$30.00		\$30.00	79.08847
347	cost less	\$25 - 40 less		\$32.50	79.35657
388	cost less	35.00		\$35.00	79.62466
362	cost less	\$35		\$35.00	79.89276
190	cost less	\$30 - 40		\$35.00	80.16086
195	cost less	\$30 - 40		\$35.00	80.42895
348	cost less	\$30 - 40 less		\$35.00	80.69705
160	cost less	40.00		\$40.00	80.96515
334	cost less	40		\$40.00	81.23324
185	cost less	\$40		\$40.00	81.50134
256	cost less	\$40		\$40.00	81.76944

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
271	cost less	\$40.00		\$40.00	82.03753
145	cost less	\$40.00		\$40.00	82.30563
147	cost less	\$40		\$40.00	82.57373
155	cost less	\$40		\$40.00	82.84182
458	cost less	\$40		\$40.00	83.10992
352	cost less	\$40		\$40.00	83.37802
387	cost less	\$40.00		\$40.00	83.64611
518	cost less	\$40.00 less		\$40.00	83.91421
106	cost less	40.00 less		\$40.00	84.18231
410	cost less	40.00 less		\$40.00	84.4504
501	cost less	about 40 bucks		\$40.00	84.7185
259	cost less	probably \$40		\$40.00	84.9866
516	cost less	\$50.00		\$50.00	85.25469
134	cost less	\$50.00		\$50.00	85.52279
159	cost less	50.00		\$50.00	85.79088
204	cost less	\$50.00		\$50.00	86.05898
456	cost less	\$50		\$50.00	86.32708
461	cost less	\$50.00		\$50.00	86.59517
236	cost less	\$50		\$50.00	86.86327
260	cost less	\$50		\$50.00	87.13137
277	cost less	\$50.00		\$50.00	87.39946
482	cost less	\$50.00		\$50.00	87.66756
319	cost less	50.00		\$50.00	87.93566
487	cost less	50.00		\$50.00	88.20375
381	cost less	\$50		\$50.00	88.47185
140	cost less	\$50.00		\$50.00	88.73995
205	cost less	\$50.00		\$50.00	89.00804
469	cost less	50.00		\$50.00	89.27614
225	cost less	\$50.00		\$50.00	89.54424
228	cost less	\$50		\$50.00	89.81233
238	cost less	\$50		\$50.00	90.08043
274	cost less	\$50.00		\$50.00	90.34853
287	cost less	50.00		\$50.00	90.61662
298	cost less	\$50.00		\$50.00	90.88472
379	cost less	\$50		\$50.00	91.15282
390	cost less	50.00		\$50.00	91.42091
107	cost less	\$50.00 less		\$50.00	91.68901
306	cost less	\$50.00 less		\$50.00	91.9571
307	cost less	\$50.00 less		\$50.00	92.2252
512	cost less	50 dollars less		\$50.00	92.4933
247	cost less	Like \$50 bucks less		\$50.00	92.76139
231	cost less	maybe \$50 less		\$50.00	93.02949
465	cost less	59.99		\$59.99	93.29759
462	cost less	\$60		\$60.00	93.56568
467	cost less	60.00		\$60.00	93.83378
262	cost less	\$60 less		\$60.00	94.10188
268	cost less	about \$60		\$60.00	94.36997
433	cost less	70.00		\$70.00	94.63807
264	cost less	\$70		\$70.00	94.90617
466	cost less	75.00		\$75.00	95.17426
170	cost less	\$75.00		\$75.00	95.44236

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
475	cost less	75.00		\$75.00	95.71046
230	cost less	\$75		\$75.00	95.97855
237	cost less	\$75		\$75.00	96.24665
409	cost less	75.00		\$75.00	96.51475
176	cost less	\$75.00		\$75.00	96.78284
463	cost less	\$75		\$75.00	97.05094
239	cost less	\$75		\$75.00	97.31903
276	cost less	\$75.00		\$75.00	97.58713
194	cost less	\$50 - 100		\$75.00	97.85523
338	cost less	\$70 - 80		\$75.00	98.12332
232	cost less	\$75 less		\$75.00	98.39142
270	cost less	\$75 or more		\$75.00	98.65952
265	cost less	maybe \$75		\$75.00	98.92761
438	cost less	78.00		\$78.00	99.19571
415	cost less	\$79.00		\$79.00	99.46381
403	cost less	\$79.00		\$79.00	99.7319
314	cost less	\$80.00		\$80.00	100
			SUM:	\$8,153.49	
			MEAN:	\$21.86	
			MEDIAN:	\$20.00	

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/MEDIAN	CUM %
FOLLOWING RESP NOT IN MEAN/MEDIAN (Q.1/2 = Don't know)					
113	dk			NA	
163	dk			NA	
336	dk			NA	
208	dk			NA	
248	dk			NA	
289	dk			NA	
291	dk			NA	
383	dk			NA	
408	dk			NA	
425	dk			NA	
436	dk			NA	
500	dk			NA	
154	dk			NA	
193	dk			NA	
325	dk			NA	
328	dk			NA	
345	dk			NA	
206	dk			NA	
464	dk			NA	
266	dk			NA	
295	dk			NA	
356	dk			NA	
364	dk			NA	
422	dk			NA	
253	cost less	Don't know	Don't know	NA	
351	cost less	Don't know	Don't know	NA	
FOLLOWING RESP NOT IN MEAN/MEDIAN (Q.2 = questionable response)					
175	cost less	\$150.00		NA	
272	cost less	\$200.00		NA	
108	cost less	\$200.00 less		NA	
184	cost less	\$20 - 40 hardware based; \$100 - 120 software based		NA	
468	cost less	90.00		NA	
474	cost less	90.00		NA	
335	cost less	\$90		NA	
269	cost less	90 bucks		NA	
138	cost less	\$99.00		NA	
112	cost less	\$100.00		NA	
151	cost less	\$100.00		NA	
226	cost less	\$100		NA	
234	cost less	\$100		NA	
235	cost less	\$100		NA	
273	cost less	\$100.00		NA	
281	cost less	\$100.00		NA	
285	cost less	\$100.00		NA	
366	cost less	\$100		NA	
258	cost less	\$100		NA	
261	cost less	\$100		NA	
275	cost less	\$100.00		NA	

MMR #4462 Printer Survey

HP Officejet 5610 All-in-One

Price: \$109.99

Price after rebate: \$99.99

Q're ID #	Q.1	Q.2 Verbatim	Q.3	VALUE USED IN MEAN/ MEDIAN	CUM %
288	cost less	100.00		NA	
267	cost less	\$100 or less		NA	

EXHIBIT F

FEES AND PROFESSIONAL AND ACADEMIC BACKGROUND OF WALTER MCCULLOUGH

Mr. McCullough's qualifications are shown below. The cost of this project was \$150,000. Additional consulting time will be billed at Mr. McCullough's usual consulting rate of \$600 per hour.

Mr. McCullough is the President and owner of Monroe Mendelsohn Research (MMR), one of the country's leading marketing and opinion research firms. The company is located in New York City and concentrates on custom research projects. MMR also has a subsidiary, Mendelsohn Media Research, which is best known for its annual Affluent Survey.

Mr. McCullough is actively involved in the design, implementation and analysis of research projects for major U.S. manufacturers, service firms, advertising agencies and law firms. Some of the types of research he conducts are:

- exploratory market studies,
- concept tests,
- product tests,
- test market evaluations,
- package tests,
- attitude and usage projects,
- habits studies,
- readership studies,
- various other media surveys,
- claim substantiation studies,
- advertising support and false advertising surveys,
- trademark, trade dress, and service mark infringement surveys,
- various other forms of legal research, and
- many other types of marketing, media and opinion research tests and surveys.

Mr. McCullough has presented the findings of research projects he has conducted to many of the nation's largest firms. He has also testified in numerous trials, NAD (National Advertising Division of the Council of Better Business Bureaus) and other proceedings as an expert witness.

Prior to joining MMR in 1968, Mr. McCullough was a marketing research Group Head at Datatab, providing computer processing and statistical consulting services to marketing research companies, advertising agencies and advertisers.

Mr. McCullough has a BA in Psychology from Lafayette College and a MBA in marketing research from Baruch College of the City University of New York.

PRIOR TESTIMONY**Testimony:**

The cases in which Mr. McCullough testified, either in person or by Declaration, as a survey research expert within the preceding four years are:

Year	Description of Litigating Parties	Court
2008	American Eagle Outfitters, Inc. vs. Lyle & Scott Limited	Federal Court, Western District of Pennsylvania (Deposition Only)
2007	BenQ America Corp. vs. The United States	United States Court of International Trade-NYC (Deposition Only)
2007	GlaxoSmithKline Consumer Healthcare vs. Merix Pharmaceutical Corporation	Federal Court, Southern District of New York (NYC) (Deposition Only)
2006	The Glazier Group, Inc., and T-Bone Restaurant, LLC vs. Mandalay Corp., et al	Federal Court, Southern District of Texas, Houston Division (Deposition Only)
2006	Classic Foods International Corporation vs. Kettle Foods, Inc.	Federal Court, Central District of California, Southern Division
2006	Top Tobacco, L.P. vs. North Atlantic Operating Company, Inc.	Federal Court, Northern District of Illinois, Eastern Division (Deposition Only)
2005	James A. Lewis d/b/a B&H Vendors, et al, vs. Philip Morris Incorporated	Federal Court, Middle District Of Tennessee, Nashville Division
2004	The Steak N Shake Company, et al vs. The Burger King Corporation et al	Federal Court, Eastern District of Missouri
2004	Louis Vuitton Malletier vs. Burlington Coat Factory et al	Federal Court, Southern District of New York (NYC)
2004	Exide Technologies, et al vs. Enersys Corporation	United States Bankruptcy Court For The District of Delaware
2003	Peaceable Planet, Inc. vs. Ty Inc.	Federal Court, Northern District of Illinois, Eastern Division
2003	Eco Manufacturing, Inc., vs. Honeywell International, Inc.	Federal Court, Southern District of Indiana, Indianapolis Division
2003	Anheuser-Busch, Inc. vs. Caught-On-Bleu, Inc.	Federal Court, District of New Hampshire

ARTICLE AND PAPERS

Mr. McCullough had three papers on the subject of surveys or other research techniques published in the past ten years. The most recent one was presented at the 10th Worldwide Readership Research Symposium, held in Venice, Italy from October 22-26, 2001 and was entitled, "Varying The Monetary Incentives In Mail Surveys: (1) Does It Change Survey Results? (2) Can It Create Sample Improvement Opportunities?"

In 1999, Mr. McCullough presented a paper at the 9th Worldwide Readership Research Symposium, held in Florence, Italy. That paper was entitled, "Ways To Increase Mail Survey Response Rates: An Update."

Two years earlier, in October 1997, Mr. McCullough presented a paper at Worldwide Readership Research Symposium 8, held in Vancouver, Canada entitled "Ways To Increase Mail Survey Response Rates."

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

POLAROID CORPORATION

Plaintiff,

v.

HEWLETT-PACKARD COMPANY

Defendant.

C.A. No. 06-738 (SLR)

REBUTTAL EXPERT REPORT OF PROFESSOR JACOB JACOBY, Ph.D.

As an expert witness on behalf of Defendant Hewlett-Packard Co. ("HP"), I
declare as follows:

I. PERSONAL INFORMATION

1. My full name is Jacob Jacoby. I reside at 160 West 66th Street,
New York, New York 10023. A description of my qualifications and credentials is
provided in Appendix A attached hereto. Also provided in Appendix A are a copy
of my academic Curriculum Vita as well as other information responsive to the
Rule 26 requirement that I indicate my trial and deposition testimony during the
past four years and the fees I am charging.

II. THE PRESENT MATTER

2. On March 18, 2008, I received from counsel for HP a copy of a
survey report entitled "Report on the Perceived Value of Adaptive Lighting

Technology in Hewlett-Packard Printers” prepared by Mr. Walter McCullough of Monroe Mendelsohn Research, Inc. and dated March 2008. (Hereinafter, this survey will be referred to as “the McCullough Survey”.) Counsel asked that I review the McCullough report and comment upon the scientific adequacy of the research described therein. This Rebuttal Report describes my review and conclusions.

3. My qualifications for reviewing the scientific adequacy of the McCullough Survey include the following. In obtaining a doctorate, I majored in (social) psychology and minored in sociology, according to the Federal Judicial Center’s *Reference Manual on Scientific Research*, two of the principal disciplines required for survey research¹. In the more than 40 years since obtaining my doctorate, I have been involved in thousands of surveys conducted for both scholarly and commercial research. Since 1968, I have taught courses on research methodology and trained scores of doctoral students, many of whom have gone on to distinguished careers of their own. For much of my career, I have been a member of the editorial and/or article review boards of distinguished scholarly and professional peer review journals. In those capacities, my job was to review and comment on the adequacy of research done by others. I have held an endowed chair as the Merchants Council Professor of Consumer Behavior and Retail Management at New York University’s Stern School of Business since 1981. Appendix B states my qualifications more fully.

4. I am being compensated at the rate of \$800 per hour. My compensation is not contingent upon the outcome of this dispute.

5. My review rests on the analytic principles developed in my academic and professional work in the field known as consumer psychology. These principles, as applied to surveys used in litigation, are summarized in seven factors cited in the Federal Judicial Center's *Manual for Complex Litigation* (4th, Section 11.493). These factors are quoted verbatim below in an order that corresponds, generally, to the sequence followed by the research process itself. According to the *Manual for Complex Litigation*, a properly conducted survey would contain and conform to the following:

- a. The population was properly chosen and defined.
- b. The sample chosen was representative of that population.
- c. The questions asked were clear and not leading.
- d. The survey was conducted by qualified persons following proper interview procedures.
- e. The data gathered were accurately reported.
- f. The data were analyzed in accordance with accepted statistical principles.
- g. The process was conducted so as to ensure objectivity.

6. In reviewing and evaluating the McCullough Survey, I also remained mindful of several other sources of criteria for evaluating surveys proffered as evidence in litigated matters. One set of criteria emanates from the opinions expressed by the U.S. Supreme Court in regard to science and "junk science."² Other pertinent criteria are to be found in the "Reference Guide on

¹ Shari Seidman Diamond, *Reference Guide on Survey Research*, (2000) at 238.

² See: *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 118 S. Ct. 512 (1997); *Kumho Tire Co., Ltd. et al. v. Carmichael et al.*, 526 U.S. 137 (1999).

Survey Research" and "Reference Guide on Statistics" that appear in the Federal Judicial Center's *Reference Manual on Scientific Evidence*. Additional criteria include those articulated in the pertinent social science and professional literature.

III. OVERALL OPINION OF THE MCCULLOUGH SURVEY

7. In my opinion, the questions asked in the McCullough Survey and the manner in which they were asked render the data – and the findings and interpretations based on these data – of little or no value. In the section that follows (Section III), I address the most fundamental flaws in the McCullough Survey. In the next section (Section IV) additional problems I find with the McCullough Survey are discussed in the order in which they surface in his report.

IV. FUNDAMENTAL FLAWS OF THE MCCULLOUGH SURVEY

A. It Studied the Wrong Issue.

8. The most fundamental flaw with Mr. McCullough's survey is that it is misdirected; it addresses the wrong issue. It asks lay consumers who have no qualifications, training or expertise for evaluating the cost of Adaptive Lighting how much such a feature would cost. In my opinion, a more productive approach – one more in keeping with the capabilities of lay consumers -- would have been to ask "How much are you willing to pay for such a feature?" To address the question "How much should Adaptive Lighting cost?" requires selecting a sample of respondents with the proper qualifications, training or expertise for rendering such evaluations.

B. Its Core Question is Inherently Misleading

9. Question 1 of the Main Questionnaire asks: *"do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?"* How this question is phrased and what it asks of respondents is fatally flawed.

10. The printers at issue have numerous features. The McCullough Report provides a copy of the fact sheet for the HP Photosmart C6180 All-In-One. I am informed this is the type of marketing material that is actually released by HP. The fact sheet notes features such as:

- "the world's fastest photo All-in-One"
- "a pro at color faxing"
- "built-in wireless networking"
- "fax fast, in color, with or without a PC, plus eliminate unwanted junk faxes"
- "Print photos and reprints without a PC using memory cards"
- "print rich, realistic photos and laser-quality text using Hp's Vivera inks"
- "Do superb scans of photos and documents and restore damages photos"
- "Resist photo fading"
- "Print on both sides of the page"

The McCullough survey does not ask about any of these features.

11. After respondents reviewed a one-page flyer describing an HP printer, in its entirety, Question 1 told them as follows:

This particular color ink jet printer contains a feature called, "Adaptive Lighting Technology." Adaptive Lighting Technology is a breakthrough technology that enables people to produce photos that look more like what they see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, providing gentle contrasts by smoothing out harsh contrasts.

Question 1 then asked:

If there were a color inkjet printer model that contained all of the features of the printer whose description I just showed you, but it did not have the Adaptive Lighting Technology feature, do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?

12. Respondents were asked only about the Adaptive Lighting feature. They were not asked about any other features. In this way, without any frame of reference that would enable them to recognize that their guesses must be in error, respondents are able to provide preposterous answers. For example, in addition to printing photos, most all-in-one color ink-jet printers also serve the following functions: printing alphanumeric and graphic documents sent from computers to which they are attached, making copies, scanning documents and sending and receiving FAXes. As I understand it, the Adaptive Lighting

Technology in printing only comes into play in regard to printing photographs, and not all photographs at that. That being so, in order to provide a proper framework and reduce the extent of uninformed guesses, respondents should have first been asked about the value of each of these general functions before being asked about the value of a specific feature applicable to one or two of these functions.

13. Moreover, McCullough presented a full paragraph of superlative language to describe the Adaptive Lighting feature, but did not present such language to describe any of the other features. This approach is inherently misleading because not only does it draw attention to the one feature and not the other features, but it does so in a manner that makes it seem so much more important and desirable than the other features.

14. Question 1 also incorporates some questionable language. The respondents were provided with copies of two authentic HP flyers (of the HP Photosmart C6180 All-in-One printer and the HP Officejet 5610 All-in-One printer) to examine, and the term "Adaptive Lighting" did not appear in either flyer. However, HP does use this term in some of its other publicly available literature which, I understand, is much less prominent. In this background literature, HP uses language such as:

Ground-breaking technology that automatically adjusts high contrast photos to reveal detail that would otherwise be lost in shadows. For images with extreme light/shadow contrast or after

*using flash. Improves dark areas in images without affecting bright areas.*³

Note that HP's language properly qualifies when the Adaptive Lighting feature comes into play. It comes into play with "high contrast photos," not all photos. It comes into play "for images with *extreme* light/shadow contrast or after using flash" [italics supplied], not most of the time for most images. Although Mr. McCullough went to some effort to provide authentic HP flyers that did not contain mention of Adaptive Lighting, rather than provide the properly qualified language that HP does in fact use when it describes Adaptive Lighting, he used other language that ignores these qualifications. Specifically, he tells his respondents that Adaptive Lighting is used:

to produce photos that look more like what [people] see with their own eyes. It accomplishes this by balancing relationships between bright and dark areas in a photo, providing gentle contrasts by smoothing out harsh contrasts.

McCullough does not cite any source document that sets forth this language. [It appears to be taken from a fact sheet titled "HP Photosmart 945 digital camera – Technology Backgrounder – HP Adaptive Lighting Technology." See HP POL 7522306. This is language describing a camera, not a printer. Moreover, it is my understanding that the Adaptive Lighting feature in that camera is based on Retinex, not on LACE. Thus, presenting this question in the instant lawsuit is greatly misleading.

³ See: http://h41257.www4.hp.com/cda/hpec/display/main/hpec_content.jsp?zn=hho&cp=2-705-706-712%5E19166_4022_19_

15. To me (and most likely to some unknown number of respondents) the description chosen by Mr. McCullough suggests that Adaptive Lighting comes into play all the time to "*balanc[e] relationships between bright and dark areas in a photo*" so as "to produce photos that look more like what [people] see with their own eyes." It should thus be appreciated that instead of reacting to anything that HP said regarding Adaptive Lighting, the respondents are reacting to the particular spin Mr. McCullough chose to use in describing this feature. His presentation makes it seem Adaptive Lighting is a more frequent and useful component of printing photographs than actually may be the case.

C. It Calls For Respondents To Make Guesses.

16. The vast majority (perhaps even all) respondents likely have no qualifications, training or expertise for evaluating the cost of such a feature. Thus Question 1 (quoted in Paragraph 11, above) essentially asks respondents to provide guesses. Since guesses are not probative, why ask such questions? Many authorities have commented and studies have shown that respondents will give reasonable sounding answers to questions when their answers can be nothing other than meaningless nonsense. As one example, the classic work on questionnaire construction by Stanley Payne describes 70% of respondents answering questions and making judgments about a fictitious Metallic Metals Act.⁴ A number of other examples are described in Nisbett and Wilson.⁵ At the very least, Question 1 should have been preceded by a filter question asking

⁴ *The Art of Asking Questions*. Princeton University Press. 1951. At pages 17-18.

respondents if they were, or felt they were, qualified or capable of making such estimates, then asked only of those who answered "yes" to the filter question.

D. It Calls For Respondents To Make High Guesses.

17. In order to provide proper context, the respondents should have been asked to indicate the value of other features associated with making and printing photographs, such as the ability to scan, the ability to use different paper types, the ability to edit photographs, etc. In turn, editing photographs may include many components, such as the ability to eliminate red-eyes from pupils, to crop photos, to rotate photos, to enhance low-resolution camera phone images, to convert color photos to black and white, to select warmer or cooler colors, etc. Having different groups of respondents each evaluate only a single one of the printer's many features, then adding these estimates up, likely would result in a total value many times the list price of the printers themselves. To appreciate that this likely would be so, note that at least 50 respondents estimated the Adaptive Lighting feature of the C-6180 as being \$100 or more. When the entire machine costs \$299.99, answers like these make no sense. Rather, they reveal that a whole lot of uniformed guessing was going on. People purchase more than a single feature and the evaluation of any feature needs to be done not in isolation, but in the context of other features.

18. Question 3 was asked of respondents who had already answered "don't know" to Question 2 (Q.2: "*About how much less do you think the model without the Adaptive Lighting feature would cost?*"). Despite this, instead of

⁵ Nisbett, R.E. and Wilson, T.D. (1977) Telling more than we can know. *Psychological Review*, 84, 231-259.

containing a "don't know" option, the set of answers provided to respondents forced them to make a choice from among the answers provided on the card. Thus, Mr. McCullough knew (or should have known) that he would be receiving guesses in the answers to Question 3. Moreover, as described in the two paragraphs that follow, the set of answers that were provided were unquestionably biased toward generating high guesstimates.

19. Question 1 asks: *"do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?"*

Respondents who answered "would be the same" or "don't know" to Question 1 were not asked any further questions. Those who answered "would cost less" were asked Question 2: *"About how much less do you think the model without the Adaptive Lighting feature would cost?"* While those who answered "don't know" to Question 1 were not asked any further questions, in marked contrast, those who answered "don't know" to Question 2 were handed a card (described below) and asked Question 3: *"Which of the choices on this card indicates how much less you think the model without the Adaptive Lighting Technology feature would cost? Just tell me the letter of the choice you select."* The card said the following:

I believe the model without the Adaptive Lighting Technology feature would be a savings of:

A. Less than \$1.00

B. \$1.00 - \$4.99

C. \$5.00 - \$9.99

D. \$10.00 - \$19.99

E. \$20.00 or more

20. All questions communicate information to respondents. Further, it is incontestable that a question's contents -- namely, its wording, the answer options provided along with the question, etc. -- can and often do exert a substantial influence over how the question is interpreted and answered. In the present instance, the respondents were provided with an answer scale ranging from "less than \$1.00" to "\$20.00 or more." This scale informs the respondents of the kind of answers the researcher expects. In this instance, it is telling respondents that the researcher most likely expects them to give an answer in dollars that is somewhere between \$1 and \$20; it certainly does not tell them that the researcher expects answers such as "less than \$0.05, between \$0.05 and \$0.09, between \$0.10 to \$0.19, between \$0.20 and \$0.49, between \$0.50 and \$0.99. Research shows that providing such scale information can dramatically influence the answers respondent give to such questions.⁶ This seems especially likely when the respondents have no experience or other firm basis for answering the question, as is the case here. Consider the answers that would have resulted had respondents been provided with a scale using the following response alternatives:

⁶ See Elizabeth Loftus, 1982, "Interrogating Eyewitnesses – Good Questions and Bad." In Robin M. Hogarth, Editor, *Question Framing and Response Consistency*. Jossey-Bass Social and Behavioral Science Series, 51-64. Also see discussion of "positional cues" in Roger Tourangeau, Lance K. Rips and Kenneth Rasinski (2000) *The Psychology of Survey Response*. Cambridge University Press. At 246-248.

- A. Less than \$0.05
- B. \$0.05 to \$0.09
- C. \$0.10 to \$0.19
- D. \$0.20 to \$0.49
- E. \$0.50 to \$0.99
- F. \$1.00 - \$4.99
- G. \$5.00 - \$9.99
- H. \$10.00 - \$19.99
- I. \$20.00 or more

Based upon my more than 40 years of experience, I am certain that asking the question this way would have obtained dramatically different results. A survey is improper if only a closed set of potential answers are provided, where they fail to offer the full range of plausible alternatives. See, e.g., *American Home Products v. Johnson & Johnson*, 654 F. Supp. 568, 581 (S.D.N.Y. 1987).

V. ADDITIONAL DEFICIENCIES WITH THE MCCULLOUGH SURVEY

21. In addition to these obvious fundamental flaws, the McCullough Survey has numerous other deficiencies that render of little or no value. I address these below in the order in which they appear in the conduct of a survey.

22. A properly conducted survey needs to eliminate potential distractions. The McCullough survey did not do this. Under the heading

"Interview" on page 6, Mr. McCullough writes: "After completing the screening process, respondents were taken to a private room at the interviewing facility" where they underwent the main interview. Yet this description clearly disagrees with the instructions given to the Supervisors and Interviewers as to how the main interviews should be conducted. Specifically, under the heading "Method of Interviewing" on page 2 of the Supervisor instructions (in Exhibit B), the Supervisors are instructed:

All respondents are to be screened in the main mall. [After being screened,] All qualified respondents are to be taken to a separate area, off the main mall, where a Printer Description will be shown and the interview will be conducted. Respondents must not be in either hearing or viewing distance of each other during the interview phase.

As can be seen from "Method of Interviewing" paragraph at the top of the first page of the Interviewer Instructions sheet (in Exhibit B), the exact same instruction as above was also provided to all the interviewers.

23. Contrary to what is asserted on page 6 of the McCullough Report, it seems clear that, after completing the screening process, those respondents who qualified were not "taken to a private room at the interviewing facility" where they underwent the main interview. Instead, they were "taken to a separate area, off the main mall" where, according to the instruction "Respondents must not be in either hearing or viewing distance of each other during the interview phase," they were interviewed. In other words, it appears they were interviewed in a mall corridor. Since interviewers do not have eyes in the back of their heads, without

constantly turning around and being distracted from conducting the interview (not to mention possibly distracting the respondents as well), there would be no way for interviewers to know whether others – who might themselves later be intercepted and invited to be respondents – were in viewing or hearing distance. Moreover, we have no idea of what retail windows might have been viewable by the respondent or whether they might have displayed ink jet printers or posters regarding printers.

24. Question 1 exemplifies numerous and serious problems. In addition to those I have already mentioned, some of the further problems are as follows.

25. The McCullough survey purports to state an opinion of value. A survey of this nature needs to have a control. Question 1 was not asked regarding any “control” features (including potentially fictitious features) in order to gauge measurement “noise.” Without any noise estimate, we cannot take at face value the numbers and conclusions being propounded by Mr. McCullough. Specifically, both the original *Daubert* ruling and Federal Rule of Evidence 702⁷ speak of the need for research experts to discuss “the known or potential error

⁷At points in this declaration, I refer to or cite legal treatises and pertinent case law. It should be emphasized that I am a social scientist, not a lawyer. On the other hand, as someone who, for the past 30 years, has been designing and conducting surveys to be proffered as evidence in litigated matters, it is responsible for me to be mindful of what courts -- particularly the U.S. Supreme Court in *Daubert* and successor rulings (*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993); *General Electric Co. v. Joiner*, 118 S. Ct. 512 (1997); *Kumho Tire Co., Ltd. et al. v. Carmichael et al.*, 526 U.S. 137 (1999).) -- and other authoritative sources (as examples, the Federal Judicial Center’s *Reference Manual on Scientific Evidence*, Prof. McCarthy’s tome *McCarthy on Trademarks and Unfair Competition*, pertinent articles in law journals) have said regarding what needs to be studied and what constitutes proper and improper survey methodology in this context.

rate of the technique" being applied. Because he employed no "controls," Mr. McCullough has no basis for identifying the applicable error rate.

26. Question 1 is not comprehensive. It asks: "do you think that model would cost less than the model with the Adaptive Lighting Technology feature, or would the price be the same as the model with the Adaptive Lighting Technology feature?" As asked, it did not include a "costs more" response option. Thus the question actually telegraphs to the respondent the way in which the researcher expects him/her to answer the question. Although it might not seem logical that the absence of a feature may cause some people to think the product might cost more, in my experience with thousands of surveys, the presence of such seemingly unreasonable responses is not an infrequent occurrence. Because McCullough's question never provided a "cost more" option, we will never know if they would have been found here.

27. Question 1 also is ambiguous. In part, it says: "If there were a color inkjet printer model that contained all of the features of the printer whose description I just showed you, but it did not have the Adaptive Lighting Technology feature, ..." This description is unclear as to whether the hypothetical machine might contain a compensating feature or some other additional features not available on the model shown.

28. I also find problems with the entity that conducted the post-survey validation effort and the questions used in this effort. As stated in the Federal Judicial Center's *Reference Manual on Scientific Evidence*, the independent validation interviews "by a third party rather than by the field service that

conducted the interviews increases the trustworthiness of the survey results.”⁸

This validation serves to check that the survey firm did not fabricate answers. This checking needs to be done by an independent third party. Contrary to this recommendation, Mendelsohn Research, not an independent third party, conducted the post-survey validation interviews. In addition, Question 5 on the Validation Questionnaire (“When you were interviewed, did you say that you had either bought a color ink jet printer in the past 12 months and/or thought you might buy a color ink jet printer in the next 12 months?” – see Exhibit D) is a seriously leading question. Instead of being neutral (for example, “Have you bought a color ink jet printer in the past 12 months?”), this question essentially directs the respondents to remember the answer they gave during the Screening interview and give an answer now that was consistent with what they said then.

29. Examination of the verbatim answers in Exhibit E of the McCullough report is revealing for several reasons.

30. The dollar values reported by many respondents have little to no “face validity” – they are not reasonable. More than half of the respondents who evaluated the HP Photosmart C6180 (approximately 55%) guessed that the Adaptive Lighting feature was worth at least \$50; more than 20% guessed it was worth at least \$100. Yet the entire printer with all its features costs \$299.99. Given everything else this printer does, it is facially unreasonable for anyone to think that this one feature would be worth one-sixth to more than one-third of the printer’s entire value. As to the HP Officejet 5610, approximately 15% of the

⁸ Shari S. Diamond, Reference Guide on Survey Research, at 267.

respondents guessed that the Adaptive Lighting feature was worth at least \$50; approximately 7% guessed it was worth at least \$60. Yet the entire printer with all its features costs \$109.99. [Given everything else this printer does, it seems unreasonable for anyone to think that this one feature would be worth nearly half, or more than half, of the printer's entire value.]

31. More than 20 respondents (whose answers appear not to have been counted) said that this Adaptive Lighting feature on the HP Officejet 5610 printer was worth between \$90 and \$200. Given that the entire printer cost \$109.99, these guesses were ridiculous. Perhaps recognizing this, Mr. McCullough appears not to have included them in his calculations. This raises the following question: At what dollar point does it become patently obvious that the answers must be meaningless and should not be counted? For the HP Officejet 5610, Mr. McCullough arbitrarily selected \$90 -- i.e. 81.8% of the price -- as a cutoff. Although he used no cutoff for the HP Photosmart C6180, given that the unit's price was \$299.99, should answers of \$200 be considered reasonable? I don't believe so.

32. It is astounding to me that Mr. McCullough counts as valid and reliable the guesses provided by the respondents who answered "don't know" in response to Question 2, but then were forced to select from among the biased set of response options provided on the card accompanying Question 3. By my count, there were 54 such individuals in the HP Photosmart C6180 group and another 80 such individuals in the HP Officejet 5610 group. In my opinion, none of these individual's answers should be given any weight.

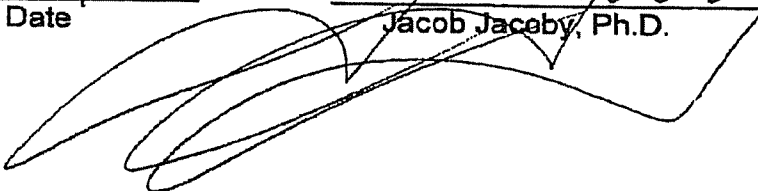
VI. CONCLUSIONS AND OPINIONS

33. For the reasons set forth above, in my opinion, the survey being proffered by Mr. McCullough fails to provide any scientifically valid or reliable evidence that would support the conclusions and opinions that are being predicated upon them. Rather than being a legitimate scientific effort, in my opinion, the survey and its procedures seem designed to gather and give credence to pure speculation.

34. It is my understanding that Mr. McCullough will be deposed and additional pertinent documents may be forthcoming. I reserve the right to supplement or revise this report based on a review of Mr. McCullough's deposition testimony and any other documents that may be provided to me.

Pursuant to 28 U.S.C. Section 1746, I declare that, based upon the information available to me, to the best of my knowledge, the foregoing is true and correct.

April 17, 2008 Jacob Jacoby
Date Jacob Jacoby, Ph.D.



APPENDIX A

1. My full name is Jacob Jacoby. I reside at 160 West 66th Street, New York, New York 10023.
2. I hold a Ph.D. degree in Psychology (with minors in Statistics and Sociology) awarded by Michigan State University in 1966. From 1965 through 1968, I served as a First Lieutenant in the United States Air Force. From 1968 through 1981, I was a Professor of Psychology at Purdue University (West Lafayette, Indiana). In addition to heading the consumer psychology program, my principal responsibilities at Purdue University were to teach and do research on the subjects of consumer behavior and research methodology.
3. Since 1981, I have held an endowed chair as the Merchants Council Professor of Consumer Behavior and Retail Management at the Leonard N. Stern School of Business at New York University. In that capacity, I continue to do research and teach Ph.D., M.B.A. and undergraduate students on the subjects of consumer behavior and research methodology.
4. A copy of my academic curriculum vita is provided as Appendix A. Included therein is a list of the publications I have authored during the past ten years. Also included therein is a list of all my trial and deposition testimony for the past four years.
5. Research by other scholars identified me as the most frequently cited scholar in the field of consumer behavior during much of the latter third of the 20th Century. Conducted by Donna Hoffman (University of Tennessee) and Morris Holbrook (Columbia University) and published in the field's leading peer-

reviewed scholarly journal (the *Journal of Consumer Research*, 1993, 19, 507-517), the first study revealed that I had the highest "influence index" of any of the field's 42 most-published scholars whose work was accepted and published by the *Journal of Consumer Research* during the 15 year period spanning 1974-1989. The second study, an August 1990 working paper issued by Washington State University and authored by Joseph Cote (WSU), Seu Leong (National University of Singapore) and Jane Cote (WSU), indicated that, based on my scholarly publications appearing in the *Journal of Marketing*, *Journal of Marketing Research* and *Journal of Consumer Research* (which traditionally had been considered the field's three most rigorous peer-reviewed journals), I was the second most often cited marketing (and first-most often cited consumer) scholar in the *Social Science Citation Index* for the 20 year period spanning 1968 through 1988. The *Social Science Citation Index* covers more than 1,400 journals worldwide.

6. Approximately once every thirty years or so, an encyclopedia is published that covers all the social and behavioral sciences. The third such compendium, is the 24 volume International *Encyclopedia of the Social and Behavioral Sciences* (Elsevier Science Ltd./Pergamon: Oxford, UK; 2001). Of the thousands of scholars whose principal focus is the study of consumer behavior, I was the one invited to write the chapter on consumer psychology.

7. I have also been fortunate to have my empirical research and scholarly writings accorded significant recognition. This recognition has included the following:

a. In 1978, I received the American Marketing Association's Harold H. Maynard award for an article of mine judged to have made "the most significant contribution to marketing theory and thought" during the preceding year.

b. In 1991, I received the American Academy of Advertising's first "Outstanding Contribution to Advertising" award for having made "a significant and sustained contribution to advertising research through a systematic program of research."

c. In 1995, I received the American Psychological Association's Society for Consumer Psychology bi-annual "Distinguished Scientist Award" for "sustained, outstanding contributions to the field of consumer psychology."

d. Based upon my research productivity, I have been elected a Fellow in the following organizations: American Psychological Association, American Psychological Society, Association for Consumer Research, Society for Consumer Psychology, Society for Law and Psychology, Society for Personality and Social Psychology. The honor of being elected a Fellow generally is accorded to less than 10% of the membership. In the case of the Association for Consumer Research, it is 1%. Additionally, I am an Academic Research Fellow at New York University's Center for Law and Business.

e. I am listed in numerous "Who's Who" compilations, including: *Who's Who in the World*, *Who's Who in America*, *Who's Who in Science*

and Engineering, Who's Who in Frontier Science and Technology, Who's Who in Advertising and Who's Who of Emerging Leaders in America.

8. I am also the President of Jacob Jacoby Research, Inc., a firm specializing in social science research to address issues regarding consumer psychology and behavior that surface in litigated disputes. Since 1973, I have rendered expert opinions, under oath, in more than one hundred matters heard before U.S. District Courts, state courts and federal regulatory bodies. As required by the federal rules, a listing of the cases in which I have testified during the past four years is attached in Appendix B.

9. Since 1968, I have played a lead role in conducting more than 1,500 consumer, marketing and communication (including advertising) studies. More than 500 of these studies have been in support of litigation, of which approximately two-thirds have dealt with secondary meaning or likelihood of confusion involving trademarks and/or trade dress.

10. Examination of Section X ("Survey Evidence") in Chapter 32 of Professor J. Thomas McCarthy's six-volume tome, *McCarthy on Trademarks and Unfair Competition*, reveals more than 10 citations to and reliance upon my *scholarly* work in this area, many more than for any other behavioral scientist in this arena. (See Sections 32:158 through 32:178.) Note that these citations to my *scholarly* writings are in addition to Professor McCarthy's citations of District and Appellate court decisions in numerous cases where I have proffered evidence and testimony.

11. I have been an invited speaker on the subjects of litigation surveys and consumer confusion/deception before various groups. These include invited presentations before the International Trademark Association, the International Bar Association, the Federal Trade Commission, the National Association of Attorneys General, the Practicing Law Institute, several law schools (e.g., New York University, Fordham University, Roger Williams University, Benjamin Cardozo Law School) and several local intellectual property and bar associations (e.g., the California State Bar Association, the Virginia State Bar Association, the Association of the Bar of New York City, etc.). From 1993 through 2003, I was a member of the Editorial Board of *The Trademark Reporter*.

12. In 1995, in conjunction with issuing its *Reference Manual on Scientific Evidence* and discussing how it dovetailed with *Daubert v. Merrill-Dow*, the Federal Judicial Center (FJC) held three workshops for District Court judges and magistrates. At the invitation of the FJC, I presented the lectures on survey research evidence for judges attending the workshops in Atlanta and Seattle. (Though the invitation was extended, prior plans precluded me from accepting the third invitation.) As indicated in the "List of Peer Reviewers" provided at the end of the Federal Judicial Center's *Reference Manual on Scientific Evidence*, in 1994 and again in 2000, I served as a peer reviewer for the "Reference Guide on Survey Research" appearing in both editions of that Manual.

ACADEMIC CURRICULUM VITA OF JACOB JACOBY

Name: **Jacob (Jack) Jacoby**

Vita updated: January 1, 2008

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New York, N.Y. 10023

212-721-9005

Stern School of Business
New York University
40 West 4th Street, Room 909
New York, NY 10012
212-998-0515

EDUCATION:

Ph.D. Michigan State University (1966 – Major: Social Psychology;
Minors: Statistics, Sociology)
M.A. Brooklyn College, The City University of New York (1963 - Psychology)
B.A. Brooklyn College, The City University of New York (1961 - Psychology)

PROFESSIONAL EXPERIENCE:

1981 - present: **Merchants Council Professor of Consumer Behavior and
Retail Management**, Stern School of Business,
New York University.

1981 - 1985: Director of the Institute of Retail Management and
Merchants Council Professor of Retailing, New York University.

1975 - 1981: Professor, Department of Psychology, Purdue University

1971 - 1975: Associate Professor, Department of Psychology,
Purdue University.

1968 - 1971: Assistant Professor, Department of Psychology,
Purdue University

1976 (Jun.-Jul.)
and
1975 (May): Guest Professor, SFB 24,
University of Mannheim, Mannheim, Germany

1965 - 1968: Active duty (U.S. Air Force). Served as Chief, Behavioral Science
Branch, the National Security Agency, Fort George G. Meade,
Maryland. Duties were primarily to plan and conduct applied
research in industrial/organizational psychology. (Security clearance:
Top Secret).

1966 - 1968: (Part-time) Assistant Professorial Lecturer, Department of Business and Public Administration, George Washington University. Promoted to Associate Prof. Lecturer the semester I left.

MEMBERSHIPS IN PROFESSIONAL ORGANIZATIONS:

American Association for Public Opinion Research (1967-1968, 1972-1973; 1982-present)

American Marketing Association (1968-present)

American Psychological Association (Associate, 1963-1967; Member, 1968-1972; Fellow, 1973-present. Also elected to Fellow status by Divisions 8, 23 and 41.)

American Psychological Society (1996-present; Fellow 1998)

American Psychology-Law Society (1988-present; Fellow 1994)

Association for Consumer Research (1969-present, Fellow 1993)

International Trademark Association (1991-present)

Market Research Council (1990-present)

Midwestern Psychological Association (Member, 1968-1975)

Sigma Xi, The Scientific Research Society of North America (Associate Member, 1962-1968; Member, 1969-1981)

Society for the Psychological Study of Social Issues (Member, 1963-1968)

Society for Judgment and Decision Making (Member, 1986-1990)

ACTIVITIES IN PROFESSIONAL ORGANIZATIONS:

1. American Psychological Association
 - Member, Council of Representatives (governing body of APA), 1971-1973
 - Member, ad hoc Committee on Student Aid (COSA), 1973.
2. **Society of Consumer Psychology** (Division 23) of the American Psychological Association
 - **PRESIDENT**, September 1973 to August 1974
 - Representative to APA Council of Representatives, 1971-1973
 - Member, Committee on Scientific and Professional Affairs, 1968-1971
 - Chairman, Convention Program Committee, 1970-1971
 - Contributing Editor, The Communicator, Division 23 Newsletter, 1970-1973

- Chairman, Membership Committee, 1971-1971
- Member, Membership Committee, 1972-73
- Policy Board Representative to the Journal of Consumer Research, 1971-1974, 1976-1978; Alternate Representative, 1974-1975
- Chairman, Fellowship Committee, 1975; 1980; Member, 1979, 1981
- Chairman, Election Committee, 1975

3. Association for Consumer Research

- **PRESIDENT**, 1975
- Member, Advisory Council (ACR's governing body thru 1972), 1969-1972
- Member, Executive Committee, 1973-1974, 1976
- Member, Program Committee, 1970-1971
- Member, Publications Committee, 1970-1972
- Chairman, Publications Committee, 1973
- Editor, ACR Newsletter, 1973
- Chairman, Election Committee, 1976
- Member, Election Committee, 1975, 1977
- Policy Board rep., *Journal of Consumer Research*, 1981-1984

4. American Association of Public Opinion Research

- Member, Professional Standards Revision Committee, 1983-1984
- Policy Board rep., *Journal of Consumer Research*, 1984-1986
- Member, ad hoc committee on changing *P.O.Q.* publisher, 1986

5. Market Research Council

- Executive Committee, Member at Large, 1991-1992
- Chairman, Marketing "Hall of Fame" Award Committee 1991-1992

6. International Trademark Association

- Member, Editorial Board, *The Trademark Reporter*, 1993-2003
- Member, Advisory Board, Brand Names Educational Foundation, 2004-6

OTHER PROFESSIONAL ACTIVITIES:

1. Reviewer of Manuscripts and Editorial Board Memberships.

- *Journal of Consumer Research*, Member, Editorial Board, 1973-1974.
 Member, Policy Board
 Representing APA-Division 23, 1971-1974, 1976-78
 Alternate, 1974-1975
 Representing ACR: 1981-1984
 Representing AAPOR: 1984-1986
 Vice Chairman of Policy Board: 1984-1986
- *Journal of Marketing Research*, Member, Editorial Board, 1972-1974.

- *Computers in Human Behavior*, Member, Editorial Board, 1984-1994.
- *Trademark Reporter*, member, Editorial Board, 1993-present.
- American Psychological Association, Annual Conventions: 1970-1976
- Association for Consumer Research, Annual Conventions: 1971, 1972, 1974, 1978, 1979, 1986, 1989, 1990
- ACR European Conference, 1995
- *Organization Behavior and Human Performance* - 1971
- 1972 American Marketing Association, Fall Convention
- 1972 Research Design Competition, APA-Division 23
- *Journal of Applied Social Psychology* 1972, 1984
- *Journal of Applied Psychology* 1972
- *Public Opinion Quarterly*, 1973, 1974
- *Journal Supplement Abstract Service*, Am. Psych. Assn. 1975
- American Marketing Association, 1979 Ph.D. dissertation competition
- *Journal of Marketing* (1980)
- *Journal of Finance* (1985)
- *Journal of Nonverbal Behavior* (1988)
- *International Journal of Research in Marketing* (1988)
- "Marketing and Public Policy" conference 1995,
- *Journal of Public Policy and Marketing*, 1997-1999
- *Reference Manual on Scientific Evidence*.
Federal Judicial Center 1994 and 1999

2. Reviewer of Proposals

- Food and Drug Administration(1975)
- National Science Foundation (1973, 1974, 1975, 1976, 1979, 1980, 1986, 1988)
- Social Science Research Council of Canada (1981)
- Million Dollar Round Table (1979)

3. Reviewer of Advertising

- Judge, 1991 Effie Awards

HONORS AND AWARDS:

1969 - Admitted into Sigma Xi, the National Honorary Society of Science.

1973 - Elected a Fellow of the American Psychological Association

1973 - Elected a Fellow of the Division of Consumer Psychology

1981 - Elected a Fellow of the Division of Personality and Social Psychology

1995 - Elected a Fellow of the Division of Law and Psychology

1973 - **President**, Division of Consumer Psychology, the American Psychological Association.

1975 - **President**, the Association of Consumer Research.

1978 – Recipient of the American Marketing Association's **Harold H. Maynard Award** for the article making the most "significant contribution of marketing theory and thought" in the *Journal of Marketing*, 1978.

1991 - First recipient, American Academy of Advertising's **Outstanding Contribution to Advertising Award** for having "made a significant and sustained contribution to advertising research through a systematic program of research."

1993 - Elected a **Fellow** of the Association of Consumer Research

1995 – Recipient of the Society of Consumer Psychology's fifth **Distinguished Scientific Research Award**.

2001 - Appointed an Academic Fellow, the Center for Law and Business, New York University.

Listed in:

Who's Who in the World
Who's Who in America
Who's Who in the East
Who's Who in Frontier Science and Technology
Who's Who of Emerging Leaders in America
Who's Who in Advertising
Who's Who in American Education
Men of Achievement (13th edition)

MAJOR RESEARCH GRANTS:

\$148,000

from the National Science Foundation for studying: "Amount, type, and order of package information acquisition in purchasing decision." For the period from June 1, 1974 to December 30, 1976. (GI-43687).

\$155,000

from the Federal Trade Commission for: "Study of likely impact of disclosure of life insurance costs on agent and consumer behavior." For the period from January 1, 1977 to August 4, 1978. (L0226).

\$181,000

from the American Association of Advertising Agencies for studying: "The Miscomprehension of Televised Communication". For the period from February 1978 through February 1980.

\$353,000

from the National Science Foundation for studying: "Assessing the effects of science based information on consumer technological choices." (Co-authored with James J. Jaccard). For the period from February 15, 1980 through August 31, 1983 (PRA7920585).

\$270,000

from The Advertising Educational Foundation, Ind. (Co-sponsored by the American Association of Advertising Agencies and the American Advertising Federation) for studying: "The Miscomprehension of Print Communication". For the period from January 1983 through December 1985.

BOARD OF DIRECTORS

1991-1994 - Advertising Educational Foundation. (New York)
Member, Board of Directors

PUBLICATIONS

M.S. THESIS AND Ph.D. DISSERTATION:

Jacoby, J. "Imprinting: An experimental approach to a biphasic interpretation." Unpublished Master's Thesis, Brooklyn College, 1963. (Major Professor: Howard Moltz)

Jacoby, J. "Situational anxiety and ordinal birth position as determinants of dogmatism and authoritarianism." Unpublished Doctoral Dissertation. Michigan State University, 1966. (Major Professor: Milton Rokeach) See: *Dissertation Abstracts A. Humanities and Social Science*, 1967, 27, p. 4338-A.

PUBLISHED TEST:

Jacoby J. and Terborg, J.R. (1975) The Managerial Philosophies Scale. Teleometrics International, The Woodlands, Texas. Copyright. This is a 36-item Likert-type instrument designed to assess McGregor's Theory X-Theory Y managerial orientations. An Examiner's Manual is available (through Teleometrics), as is a manuscript describing the scale's empirical development (entitled: "Development and Validation of Theory X and Y scales for assessing McGregor's Managerial Philosophies").

BOOKS AND MONOGRAPHS:

1. Uh1, J.N., Armstrong, J., Courtenay, H.V., Ishida, J.T., Kepner, K.W., Potter, H.C., and Jacoby, J. (1970) Survey and evaluation of consumer education programs in the United States. (2 volumes). Purdue Research Foundation, Lafayette, Indiana. March. 666 pages. Microfilm \$2.50; hard copy \$33.40 (Available from: ERIC Document Reproduction Service, ED-038-549, Fairmont Avenue, Bethesda, Maryland 20014).
2. Jacoby, J., Olson, J.C., Szybillo, G.J., and Hart, E.W. Jr. (1975) Affirmative nutritional disclosure in advertising and selected alternatives: The likely impact on consumer behavior. Washington, D.C.: Consumer Research Institute (Grocery Manufacturers of America, Inc.), December.
3. Jacoby, J. and Chestnut, R.W. (1977) Amount, type, and order of package information acquisition in purchasing decisions. Final report to the National Science Foundation (GI-43687), June.
4. Jacoby, J. and Olson, J.C. (1976) Consumer reaction to price: An attitudinal, information-processing perspective. Unpublished; 100 pages. (A 30-page condensation was published as article #69; see below).

5. Jacoby, J. and Chestnut, R.W. (1978) Brand loyalty: Measurement and management. New York: John Wiley and Sons.
6. Jacoby, J., Hoyer, W.D. and Sheluga, D.A., (1980) The miscomprehension of televised communication. New York: American Association of Advertising Agencies.
7. Jacoby, J. (1980) Psychological foundations of consumer behavior: Lecture notes. Bloomington, Indiana: TIS Incorporated, Publishing Division. (160 pages).
8. Jacoby, J. and Craig, C.S. (Eds.), (1984) Personal selling: Theory, Research and practice. Lexington Books, Lexington, Mass.
9. Jacoby, J. and Jaccard, J.J. (1984) The influence of health and safety information on consumer decision making concerning new technological products. Final report to the National Science Foundation, June.
10. Jacoby, J. and Olson, J.C., (Eds.), (1984) Perceived quality: How consumer view stores and merchandise. Lexington Books, Lexington, Mass.
11. Jacoby J. and Hoyer, W.D., (1987) The comprehension and miscomprehension of print communications: An investigation of mass media magazines. (Sponsored by The Advertising Educational Foundation, Inc.) Lawrence Erlbaum Associates, Hillsdale, New Jersey.
12. James Jaccard and Jacob Jacoby (In press) *Theory Construction: A Practical Guide for Social Scientists*. Guilford Press (New York).

ARTICLES:

1. Jacoby, J. (1967) The construct of abnormality: Some cross-cultural considerations. Journal of Experimental Research in Personality, 2, 1-15.
2. Jacoby, J. (1967) Open-mindedness and creativity. Psychological Reports, 20, 822.
3. Jacoby, J. (1968) Birth-rank and pre-experimental anxiety. Journal of Social Psychology, 76, 9-11.
4. Jacoby, J. (1968) Examining the other organization: A methodology for studying informal organizational structure of complex organizations. Personnel Administration, 31, 36-42.
5. Jacoby, J. (1968) Work music and morale: A neglected but important relationship. Personnel Journal, 47, 882-886.
6. Jacoby, J. (1968) Creative ability of task-oriented versus person-oriented leaders. Journal of Creative Behavior, 2, 249-253.

7. Jacoby, J. (1969) Time perspective and dogmatism: A replication. Journal of Social Psychology, 7, 281-82.
8. Jacoby, J. (1969) Accuracy of person perception as a function of dogmatism. Proceedings, 77th Annual Convention, American Psychological Association, 4, 347-348.
9. Jacoby, J. (1970) The plight of the uniformed Air Force Psychologist. Professional Psychology, 1, 383-387.
10. Jacoby, J. (1971) Innovation proneness as a function of personality. Journal of Marketing Research, 8, 244-247. Reprinted in: H.H. Kassarian and T.S. Robertson (Eds.), Perspectives in Consumer Behavior (2nd ed.). Glenview, Illinois: Scott Foresman, 1973, pp. 149-155. (A one-page abstract appears in David L. Sparks (Ed.). Broadening the Concept of Marketing. Chicago: American Marketing Association, 1970.)
11. Jacoby J. (1971) An attitudinal model of multi-brand loyalty: Preliminary results and promotional strategies. Journal of Advertising Research, 11(3), 25-31.
12. Jacoby, J. (1971) Training consumer psychologists: The Purdue University program. Professional Psychology, 2, 300-302.
13. Jacoby, J. (1971) A multi-indicant approach for studying new product adopters. Journal of Applied Psychology, 55, 384-388. Reprinted in M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations. N.Y.: John Wiley, 1979.
14. Jacoby, J. (1971) Interpersonal perceptual accuracy as a function of dogmatism. Journal of Experimental Social Psychology, 7, 221-236.
15. Jacoby, J. (1971) Brand loyalty: A conceptual definition. Proceedings 79th Annual Convention, American Psychological Association, 6, 655-656.
16. Jacoby, J. and Aranoff, D. (1971) Political polling and the lost letter technique. Journal of Social Psychology, 83, 209-212.
17. Jacoby, J. and Matell, M. (1971) Three point Likert scales are good enough. Journal of Marketing Research, 8, 495-500.
18. Jacoby, J., Olson, J.C., and Haddock, R.A. (1971) Price, brand name, and product composition characteristics as determinants of perceived quality. Journal of Applied Psychology, 55, 570-579.

19. Deering, B.J. and Jacoby, J. (1971) The effect of "alternative relationships" and "relative resources" on consumer decisions between mother and child. In David M. Gardner (Ed.) Proceedings, Second Annual Conference, The Association for Consumer research, 1, 135-142.
20. Matell, M.S. and Jacoby, J. (1971) Is there an optimal number of alternatives for Likert scale items? Study I: Reliability and validity. Educational and Psychological Measurement, 31, 657-674.
21. Olson, J.C. and Jacoby, J. (1971) A construct validation study of brand loyalty. Proceedings, 79th Annual Convention, American Psychological Association, 6, 657-658.
22. Jacoby, J. (1972) Opinion leadership and innovativeness: Overlap and validity. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 632-649.
23. Jacoby, J. and Kaplan, L.B. (1972) The components of perceived risk, In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2 382-393.
24. Bowen, D.D., Perloff, R. and Jacoby, J. (1972) Improving manuscript evaluation procedures. American Psychologist, 27, 221-225.
25. Deering, B.J. and Jacoby, J. (1972) Price intervals and individual price limits as determinants of product evaluation and selection. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 145-166.
26. Deering, B. J. and Jacoby, J. (1972) Risk enhancement and risk reduction strategies for handling perceived risk. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 404-416.
27. Heimbach, J.T. and Jacoby, J. (1972) The Zeigarnik effect in advertising. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2 746-748.
28. Matell, M.S. and Jacoby, J. (1972) Is there an optimal number of alternatives for Likert scale items? Effects of testing time and scale properties. Journal of Applied Psychology, 56, 506-509.
29. Olson, J.C. and Jacoby, J. (1972) Cue utilization in the quality perception process. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 167-179.

30. Szybillo, G.J. and Jacoby, J. (1972) The relative effects of price, store image, and intrinsic product differences on product quality evaluation. In M. Venkatesan (Ed.), Proceedings, Third Annual Conference, The Association for Consumer Research, 2, 180-186.

31. Jacoby, J., Kohn, C.A. and Speller, D.E. (1973) Time spent acquiring product information as a function of information load and organization. Proceedings, 81st Annual Convention, American psychological Association, 8 (2), 813-814.

32. Jacoby, J. and Kyner, D.B. (1973) Brand loyalty vs. repeat purchasing behavior. Journal of Marketing Research, 10, 1-9.

33. Hart, E.W. and Jacoby, J. (1973) The relationship of perceived newness to novelty, recency, and scarcity. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 839-840.

34. Hollander, S.W. and Jacoby, J. (1973) Recall of crazy, mixed-up TV commercials. Journal of Advertising Research, 13 (3), 39-42.

35. Kohn, C.A. and Jacoby, J. (1973) Operationally defining the consumer innovator. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 837-839.

36. Szybillo, G.J., Jacoby, J. and Busato, J. (1973) Effects of integrated advertising on perceived corporate hiring policy. Proceedings, 81st Annual Convention, American Psychological Association, 8 (2), 815-816.

37. Jacoby, J. (1974) Consumer reaction to information displays: Packaging and advertising. In S.F. Divita (Ed.), Advertising and the Public Interest. Chicago: American Marketing Association, 101-118.

38. Jacoby, J. (1974) Consumer behavior: A neglected but fertile field for psychological research. Contemporary Psychology, 19 (7), 543. (Review of S. Ward and T.S. Robertson, Eds., Consumer Behavior: Theoretical Sources. Englewood Cliffs, N.J., Prentice-Hall.)

39. Jacoby, J. (1974) The construct validity of opinion leadership. Public Opinion Quarterly, 38 (1), 81-8

40. Jacoby, J. and Olson, J.C. (1974) An extended expectancy model of consumer comparison process. In S. Ward and P. Wright (Eds.), Advances in Consumer Research, 1 319-333. Urbana, Illinois: Association for Consumer Research.

41. Jacoby, J., Speller, D.E. and Kohn, C.A. (1974) Brand choice behavior as a function of information load. Journal of Marketing Research, 11 (1), 63-69.
42. Jacoby, J., Speller, D.E. and Berning, C.A.K. (1974) Brand choice behavior as a function of information load: Replication and extension. Journal of Consumer Research, 1 (1), 33-42.
43. Berning, C.A.K. and Jacoby, J. (1974) Patterns of information acquisition in new product purchases. Journal of Consumer Research, 1 (2). 18-22.
44. Kaplan, L.B., Szybillo, G.J. and Jacoby, J. (1974) Components of perceived risk in product purchase: A cross-validation. Journal of Applied Psychology, 59 (3), 287-291.
45. Szybillo, G.J. and Jacoby, J. (1974) Intrinsic vs. extrinsic cues as determinants of perceived product quality. Journal of Applied Psychology, 59 (1), 74-78.
46. Szybillo, G.J. and Jacoby, J. (1974) Effects of different levels of integration on advertising preference and intention to purchase. Journal of Applied Psychology, 59 (3), 274-280.
47. Jacoby, J. (1975) Consumer psychology as a social psychological sphere of action. American Psychologist, 30 (10), 977-987. APA-Division 23 Presidential Address (Reprinted in: M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations, New York: John Wiley and Sons.)
48. Jacoby, J. (1975) Perspectives on a consumer information processing research program. Communication Research, 2 (3), 203-215. (Reprinted in: Michael Ray and Scott Ward (Eds.), Communicating with Consumers: The Information Processing Approach. Beverly Hills, Calif.: Sage, 13-25.)
49. Jacoby, J. (1975) A brand loyalty concept: Comments on a comment. Journal of Marketing Research, 12 (4), 484-487.
50. Jacoby, J. (1975) Ruminations of a consumer psychologist on the emerging energy crisis. In R. N. Andrews (Ed.), Can we meet our energy needs? President's Council Symposium, Purdue University. West Lafayette, Indiana: Purdue Research Foundation, 32-44.
51. Jacoby, J. and Small, C.B. (1975) The FDA approach to defining misleading advertising. Journal of Marketing, 39 (4), 65-68. Reprinted In: Jeffrey S. Edelstein (Ed.)(1999) Advertising Law in the New Media Age. New York: Practising Law Institute.

53. Jacoby, J., Speller, D.E. and Berning, C.A.K. (1975) Constructive criticism and programmatic research: Reply to Russo. Journal of Consumer Research, 2 (2), 154-156.
54. Edel, E.C. and Jacoby, J. (1975) Examiner reliability in polygraph chart analysis: Identification of physiological responses. Journal of Applied Psychology, 60 (5), 632-634.
55. Jacoby, J. and Terborg, James R. (1975) How to interpret your scores on the Managerial Philosophies scale. Teleometrics Int'l, 1-7.
56. Jacoby, J. (1976) Consumer psychology: An octennium. In P. Mussen and M. Rosenzweig (Eds.), Annual Review of Psychology, 27, 331-358.
57. Jacoby, J. (1976) Consumer and industrial psychology: Prospects for theory corroboration and mutual contribution. In M.D. Dunnette (Ed.), The Handbook of Industrial and Organizational Psychology. Chicago: Rand McNally, 1031-1061.
58. Jacoby, J. (1976) Consumer research: Telling it like it is. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 1-11. ACR Presidential Address (Reprinted in M. Wallendorf and G. Zaltman (Eds.), The Consumer Behavior of Individuals and Organizations. New York: John Wiley and Sons, 1979.)
59. Jacoby, J. (1976) Defining misleading advertising: Reply to Preston. Journal of Marketing, 40(3), 57-58.
60. Jacoby, J., Chestnut, R.W., Weigl, K.C. and Fisher, W. (1976) Pre-purchase information acquisition: Description of a process methodology, research paradigm, and pilot investigation. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 306-314.
61. Jacoby, J., Szybillo, G.J. and Berning, C.A.K. (1976) Time and consumer behavior: An interdisciplinary overview. Journal of Consumer Research, 2 (3), 320-339. (Reprinted in: R. Ferber (Ed.), Selected Aspects of Consumer Behavior: A Summary from the Perspective of Different Disciplines. Prepared for the National Science Foundation. Directorate for Research Applications (RANN). NSF/RA 77-0013. Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 451-476.)
62. Bettman, J.R. and Jacoby, J. (1976) Patterns of processing in consumer information acquisition. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 315-320.
63. Kyner, D.B., Jacoby, J. and Chestnut, R.W. (1976) Dissonance resolution by grade school consumers. In B.B. Anderson (Ed.), Advances in Consumer Research, 3, 315-320.

64. Raffee, H., Hefner, M., Scholer, M., Grabicke, K. and Jacoby, J. (1976) Informationsverhalten und Markenwahl. Die Unternehmung, 2, 95-107.
65. Jacoby, J. (1977) Information load and decision quality: Some contested issues. Journal of Marketing Research, 14 (4), 569-573.
66. Jacoby, J. (1977) The emerging behavioral process technology in consumer decision making research. In W.D. Perrault, Jr. (Ed.), Advances in Consumer Research, 4, 263-265.
67. Jacoby, J. (1977) History and objectives underlying the formation of ACR's Professional Affairs Committee in W.D. Perrault, Jr. (Ed.) Advance in Consumer Research 4, 256-257.
68. Jacoby, J. (1977) Laboratory experiments: Faulty and necessary. Journal of Consumer Policy, 1 (2), 183-185.
69. Jacoby, J., Berning, C.A.K., and Dietvorst, T.F. (1977) What about disposition? Journal of Marketing, 41 (2) 22-28.
70. Jacoby, J., Chestnut, R.W. and Silberman, W. (1977) Consumer use and comprehension of nutrition information. Journal of Consumer Research, 4 (2), 119-128.
71. Jacoby, J. and Olson, J.C. (1977) Consumer reaction to price: An attitudinal, information-processing perspective. In Y. Wind and M. Greenberg (Eds.), Moving Ahead with Attitude Research. Chicago: American Marketing Association, 73-86.
72. Jacoby, J., Szybillo, G.J. and Busato-Schach, J. (1977) Information acquisition behavior in brand choice situations. Journal of Consumer Research, 3 (4), 209-216.
73. Chestnut, R.W. and Jacoby, J. (1977) Consumer information processing: Emerging theory and findings. In A. Woodside, Ph.D. Bennett, and J.N. Sheth (Eds.), Foundations of Consumer and Industrial Buying Behavior. New York: Elsevier, North-Holland, Inc., 119-133.
74. Jacoby, J. (1978) Consumer Research: A state of the art review. Journal of Marketing, 87-96.
75. Jacoby, J., Chestnut, R.W. and Fisher, W. (1978) A behavioral process approach to information acquisition in non-durable purchasing. Journal of Marketing Research, 15 532-544.

76. Jacoby, J., Chestnut, R.W., Hoyer, W., Sheluga, D.A. and Donahue, M.J. (1978) Psychometric characteristics of behavioral process data: Preliminary findings on validity and reliability, In Keith Hunt (Ed.) Advances in consumer research, 5, 546-554.
77. Jacoby, J., Sheluga, D., and Major, B. (1978) Does format make a difference?: Three studies. In C. Leavitt (Ed.), Proceedings of the Division 23 Program, 85th Annual Convention of the American Psychological Association, 15-16.
78. Sheluga, D.A. and Jacoby, J. (1978) Do comparative claims encourage comparison shopping? -- the impact of comparative claims on consumers' acquisition of product information. In J. Leigh and C.R. Martin (Eds.), Current Issues and Research in Advertising. Ann Arbor, Michigan: University of Michigan Press, 5, 23-28.
79. Sheluga, D.A., Jacoby, J. and Major, B.N. (1978) Whether to agree disagree or disagree-agree: The effects of anchor order on item response. In Keith Hunt (Ed.) Advances in consumer research, 5, 109-113.
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**Jacob Jacoby -- Publications
1997 – 2008**

Johar, J., Jeddidi, K. and Jacoby, J. (1997) A varying parameter averaging model of on-line brand evaluations. *Journal of Consumer Research*. 24 (2), 232-247.

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Jacob Jacoby (2008) Considering the Who, What, When, Where and How of Measuring Dilution. *Santa Clara Computer & High Tech Law Journal*. 24:101-139.

JACOB JACOBY - 2003 COURTROOM TESTIMONY

Mar 11	Before Senior Judge Samuel A. Crow USDC, D. Kansas (Topeka) Hill's Pet Nutrition, Inc. v. Nutro Products, Inc. Deceptive advertising/packaging
Apr 8	Before Judge Deborah A. Batts USDC, SDNY 1-800-Contacts v. WhenU.com, Inc. Likelihood of confusion
Sep 8	Before Judge Nancy G. Edmunds USDC, ED Michigan Wells Fargo et al. v. WhenU.com, Inc. Likelihood of confusion

JACOB JACOBY - 2004 COURTROOM TESTIMONY

Jan 22	Before Judge Preston Huff Louisiana State Court (New Orleans) A. O. Smith et al. v. Perfection Corp. et al., No. 99-15646 Business reputation survey
Mar 31	TTAB (testimony given via expert report), Jacob Zimmerman v. National Ass'n of Realtors

May 5 Before Administrative Law Judge Stephen J. McGuire
Federal Trade Commission
In the Matter of **Telebrands Corp. et al.**
Deceptive advertising matter

June 15 Before Judge Catherine Perry
USDC, EDMo
Steak n Shake v. Burger King
Genericness/secondary meaning matter

Aug 2, 5 Before Judge Shira Scheindlin
USDC, SDNY
Louis Vuitton Malletier v. Dooney & Bourke
Trademark matter

JACOB JACOBY - 2005 COURTROOM TESTIMONY

Mar 2 Before Judge William E. Smith
USDC, D. Rhode Island
The Beacon Mutual Insurance Company v.
OneBeacon Insurance Group
Trademark matter

Jun 24 Before Judge Thomas Mcavoy
U.S.D.C. N.D.N.Y.
FiberMark Inc. v.
Brownville Specialty Paper Products, Inc
Trade dress matter

Sep 21-22 Before Judge A. Howard Matz
U.S.D.C. C.D. California (Western Div)
Hill's Pet Nutrition, Inc. v. **Nutro Products, Inc.**
Deceptive advertising matter

Nov 18 Before Judge John F. Walter
U.S.D.C. C.D. California (Western Div)
Red Bull, Inc. v. Matador Concepts, Inc.
Trade dress matter

JACOB JACOBY - 2006 COURTROOM TESTIMONY

Apr 11 Before Judge Denise Cote
 U.S.D.C. S.D.N.Y.
 Juicy Couture, Inc. et al. v.
 L'Oreal USA, Inc., Lancome, et. al.
 Trademark matter

JACOB JACOBY - 2007 COURTROOM TESTIMONY

Jan 12 **Nextel Communications, Inc. v. Motorola, Inc**
 T.T.A.B., Washington, D.C.
 Deposition here equates to providing direct testimony before
 the TTAB and cross-examination.
 Trademark matter (acquired distinctiveness of 911 Hz chirp)

Oct 11 Before Judge Arthur Tarnow,
 U.S.D.C., E. D. Michigan
 Citizens Banking Corp. v. **Citizens First Bancorp, et al.**
 Trademark matter

Dec 20 **Nextel Communications, Inc. v. Motorola, Inc**
 T.T.A.B., Washington, D.C.
 Deposition here equates to providing direct testimony before
 the TTAB and cross-examination.
 Trademark matter (acquired distinctiveness of 1800 Hz
 chirp)

JACOB JACOBY - 2003 DEPOSITION TESTIMONY

Feb 18	1-800-Contacts v. WHENU.COM and Vision Direct, Inc. Trademark matter (U.S.D.C. S.D.N.Y.)
Aug 8	Julie Turner, et al. v. R.J. Reynolds Tobacco Third Judicial Circuit, Madison County, Illinois
Aug 27	American Water Heater Co., A. O. Smith Corporation, Bradford White Corporation, and Rheem Manufacturing Co. V. Perfection Corp. Circuit Court Of Cook County, Illinois
Sep 24	Medical Mutual of Ohio v. American Medical Security Group, Inc. Trademark matter USDC No. District of Ohio, Eastern Div.

JACOB JACOBY - 2004 DEPOSITION TESTIMONY

Feb 26	Federal Trade Commission v. Telebrands Deceptive advertising matter Washington, D.C.
Apr 22	Diarama Trading Co. v. J. Walter Thompson, USA, Inc. et al. Trademark matter USDC SDNY
May 17	Robert P. Heffner, Jr. et al. v. Blue Cross/Blue Shield of Alabama ERISA document comprehension matter USDC Middle District of Alabama, Northern Division
June 8	Kubota Corp. v. Daedong (Kioiti) Trade dress matter
June 10	Verizon Directories Corp. v. Yellow Book USA, Inc. Advertising matter U.S.D.C. E.D.N. Y.
June 13	Louis Vuitton Malletier v. Dooney & Burke, Inc. Trademark matter U.S.D.C. S.D.N. Y.
July 22	Cellco Partnership dba Verizon Wireless v. Nextel Communications Genericism-descriptiveness-secondary meaning matter U.S.D.C. D. Delaware, Civ Action 03-725-KAJ
Sep 14	Chicago Mercantile Exchange, Inc. v. Commodities Management Exchange, Inc. Trademark confusion matter

U.S.D.C. N.D. Illinois, Civ Action 03-C 4919

Nov 18 GEICO v. **Google** and Overture
Trademark confusion matter
U.S.D.C. E.D. VA. (LBrinkema)

Dec 10 **Fibermark, Inc.** v. Brownville Specialty Paper Products, Inc.
Trade dress matter
U.S.D.C N.D.N.Y.

JACOB JACOBY - 2005 DEPOSITION TESTIMONY

Feb 9 **Mylan Pharmaceuticals, Inc.** v. The Procter & Gamble Company
Deceptive Advertising matter
U.S.D.C. S.D.N.Y. 03-CV-10150

Mar 9 Mag Instrument, Inc. v. **Dollar Tree Stores, Inc.**
Trademark matter
U.S.D.C Central District of California #03-6215 RSWL

June 7 Hill's Pet Nutrition, Inc. v. **Nutro Products, Inc.**
Advertising matter
U.S.D.C. C.D. CA (Western Division)

June 28 **City of New York (and NYPD)** v. Elowitz
Trademark matter
U.S.D.C. S.D.N.Y.

July 14 E.T. Browne Drug Co., Inc. v. **Cococare Products, Inc.,**
Genericism matter
U.S.D.C. D.N.J.

JACOB JACOBY - 2006 DEPOSITION TESTIMONY

Jan 23 Liz Claiborne v. **L'Oreal (Lancome)**
Trademark matter
U.S.D.C. S.D.N.Y.

Jan 30 FTC v. QVC and **VitaQuest**
Deceptive advertising matter
U.S.D.C. E.D. PA

Apr 7 **Red Bull et al.** v. Mon Chong Loong Trading Co & Foodmart Int'l.
Trademark and Trade dress matter
U.S.D.C. C.D. CA

June 22 **K-Swiss, Inc. v. Payless Shoe Source, Inc.**
Trade dress matter
U.S.D.C. C.D. CA (Western Division)

Aug 29 **Hansen Bev. Co. v. Rockstar, Inc. et al**
Trade dress matter
U.S.D.C. D. Nevada

Sep 28 **WG Security Products et. al. v. Tyco Int'l Ltd, et al.**
Deceptive advertising matter
U.S.D.C. C.D. CA (Western Div.)

Nov 20 **Wal-Mart Stores, Inc. v. Charles Smith**
Trademark matter

Dec 18 **Republic Tobacco, L.P. v. North Atlantic Trading Co., Inc. et al.**
Trade dress matter

JACOB JACOBY - 2007 DEPOSITION TESTIMONY

Jan 12 **Nextel Communications, Inc. v. Motorola, Inc**
Trademark matter (acquired distinctiveness of 911 Hz chirp)
T.T.A.B., Washington, D.C.
Deposition in this instance equates to direct testimony before the
TTAB and cross-examination.

Jan 19 **Vital Pharmaceutical (RedLine) v. Red Bull**
Trademark and Trade dress matter

Mar 05 **Chicago Tribune Co. v. Fox News Network**
Trademark matter
No. D. Illinois (Eastern Division)

Mar 12 **Bayer Healthcare v. Merial LLC**
Deceptive advertising matter
District of Kansas

Apr 19 **Hansen Beverage Co. v. National Beverage Corp.**
Trade dress matter
Central District of California

Apr 24 **TPI Holdings, Inc. v. Josh Bond, d/b/a/ Rainforest Consulting Inc.**
Trade Dress Matter
Middle District of Tennessee

May 31 **Adidas-Salomon AG et al. v. Payless ShoeSource, Inc.**
Trade dress matter

District of Oregon

July 19 **Nextel Communications** v. Motorola, Inc.
Secondary meaning matter
USPTO, TTAB

Nov 1 **Claimants** v. W.R. Grace & Co.
U.S. Bankruptcy Court, D. Delaware

Dec 12 **Raymond Weil** v. Charlize Theron
USDC, SDNY

JACOB JACOBY - 2008 DEPOSITION TESTIMONY

Jan 24 Brighton Collectibles v. **Marc Chantal**
Trade dress confusion matter
USDC, SD CA

EXHIBIT C

SEALED DOCUMENT

EXHIBIT D

SEALED DOCUMENT

EXHIBIT E

Walter McCullough

Page 1

1

2

IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF DELAWARE

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POLAROID CORPORATION,

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Plaintiff,

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vs.

No. 6-738 (SLR)

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HEWLETT-PACKARD COMPANY,

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Defendant.

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VIDEOTAPED DEPOSITION OF

14

WALTER J. McCULLOUGH

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New York, New York

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Tuesday, May 6, 2008

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24 Reported by:

SHAUNA STOLTZ-LAURIE

25

CSR NO. 810490

JOB NO. 202738

ESQUIRE DEPOSITION SERVICES, LLC

1-800-944-9454

Walter McCullough

<p style="text-align: right;">Page 14</p> <p>1 McCullough</p> <p>2 but then a second study was done on a second</p> <p>3 printer. That was done I think probably</p> <p>4 February.</p> <p>5 Q. Did you do some interviews</p> <p>6 involving cameras?</p> <p>7 A. I did.</p> <p>8 Q. I don't recall reading about</p> <p>9 cameras in your report.</p> <p>10 A. I was called by the client at one</p> <p>11 point, and said that the cameras were no</p> <p>12 longer going to be an issue from -- from my</p> <p>13 -- in my situation.</p> <p>14 Q. Had you collected a --</p> <p>15 questionnaire responses pertaining to the</p> <p>16 cameras?</p> <p>17 A. I did have interviews on cameras,</p> <p>18 just like I did on printers. Counsel had</p> <p>19 told me that the cameras were out.</p> <p>20 <u>MS. KINGSBURY: I'm going to just</u></p> <p>21 <u>object -- excuse me -- at this point for</u></p> <p>22 <u>attorney work product.</u></p> <p>23 MR. BUCHANAN: Let me explore that</p> <p>24 -- the scope of your objection.</p> <p>25 Q. So at the same time that you</p>	<p style="text-align: right;">Page 16</p> <p>1 McCullough</p> <p>2 with consumers pertaining to cameras?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have those in your mind as</p> <p>5 you went ahead with further interviews later</p> <p>6 about printers?</p> <p>7 A. No.</p> <p>8 The two are completely separate. I</p> <p>9 did -- one survey was about cameras, one</p> <p>10 survey was about printers, and then the</p> <p>11 follow-up survey was about printers. The</p> <p>12 initial survey, cameras and printers, are two</p> <p>13 different surveys.</p> <p>14 Q. So the survey that I have a report</p> <p>15 about, does that survey include both the</p> <p>16 questions from the initial round of printer</p> <p>17 questions and the later round of printer</p> <p>18 questions?</p> <p>19 A. Yes. The report you have is based</p> <p>20 on both the initial survey on the printer, I</p> <p>21 guess the C6180, and also the second printer,</p> <p>22 which is five something, if I remember. Yes,</p> <p>23 that -- that report shows both of the results</p> <p>24 from both of those surveys.</p> <p>25 Q. So both, the same or substantially</p>
<p style="text-align: right;">Page 15</p> <p>1 McCullough</p> <p>2 conducted an initial phase of interviewing</p> <p>3 about printers, you also conducted an initial</p> <p>4 phase of interviewing about cameras?</p> <p>5 A. That's correct.</p> <p>6 Q. And so people directed by you went</p> <p>7 out to shopping malls and asked questions</p> <p>8 about the cameras as well as printers?</p> <p>9 <u>MS. KINGSBURY: I want to object</u></p> <p>10 <u>about any questioning on the -- this</u></p> <p>11 <u>camera survey, based on the agreement</u></p> <p>12 <u>that we have on -- that's in the case,</u></p> <p>13 <u>that shows that only documents -- or</u></p> <p>14 <u>only things that were relied upon in Mr.</u></p> <p>15 <u>McCullough's opinions is something</u></p> <p>16 <u>that's subject to deposition and to</u></p> <p>17 <u>production. So I'm not going to allow</u></p> <p>18 <u>any questions on -- on the cameras</u></p> <p>19 <u>surveyed.</u></p> <p>20 MR. BUCHANAN: Well, I'm going to</p> <p>21 first test some scope questions, Colby,</p> <p>22 and then I'll come back and respond to</p> <p>23 your objection.</p> <p>24 Q. Is it the case that you saw or</p> <p>25 heard preliminary results from interviews</p>	<p style="text-align: right;">Page 17</p> <p>1 McCullough</p> <p>2 the same questions were asked to the</p> <p>3 consumers about the C6180 printer and later</p> <p>4 the other printer.</p> <p>5 A. Identical question, yes.</p> <p>6 Q. And so the report that you wrote</p> <p>7 covers both sets.</p> <p>8 A. That's correct.</p> <p>9 Q. When you were writing the report</p> <p>10 did you have in your mind the preliminary</p> <p>11 results that you had heard from the interview</p> <p>12 of the camera people?</p> <p>13 A. No. That had nothing to do with my</p> <p>14 report on the printers.</p> <p>15 Q. You didn't have it in your mind at</p> <p>16 all?</p> <p>17 A. That's correct.</p> <p>18 Q. So it's your testimony that you did</p> <p>19 not -- well, let me ask you. Did you</p> <p>20 consider, have conscious awareness of, the</p> <p>21 preliminary results that you had heard about</p> <p>22 cameras as you wrote your report about</p> <p>23 printers?</p> <p>24 A. No.</p> <p>25 Q. So it's your testimony that you</p>

5 (Pages 14 to 17)

Walter McCullough

<p style="text-align: right;">Page 22</p> <p>1 McCullough</p> <p>2 Q. Did you yourself have those</p> <p>3 discussions?</p> <p>4 A. Yes.</p> <p>5 Q. And who did you speak with?</p> <p>6 A. Courtney Holohan I believe.</p> <p>7 Q. And was this in January '08?</p> <p>8 A. It's hard to remember dates on</p> <p>9 these things. It's either January, February</p> <p>10 that she spoke to me about it.</p> <p>11 Q. Was it all in one phone call that</p> <p>12 you spoke about preliminary results and she</p> <p>13 said no, don't go forward with that?</p> <p>14 A. No. I think -- let me correct</p> <p>15 something, because maybe I gave you the wrong</p> <p>16 impression. I believe we actually finished</p> <p>17 the interviews on the cameras. We did the</p> <p>18 preliminary results. The results were</p> <p>19 acceptable to the client to proceed with</p> <p>20 that, and I think we finished the interviews</p> <p>21 up on that, and then I got a call from</p> <p>22 Courtney saying that the cameras are out of</p> <p>23 the case or they're out of the -- you know,</p> <p>24 they're off the table; you don't need to</p> <p>25 report anything on cameras. But we had</p>	<p style="text-align: right;">Page 24</p> <p>1 McCullough</p> <p>2 <u>in forming his opinions, and I think</u></p> <p>3 <u>these are included. We'll need to take</u></p> <p>4 <u>that up in the appropriate time at in</u></p> <p>5 <u>the appropriate way, but that's my</u></p> <p>6 <u>position.</u></p> <p>7 MS. KINGSBURY: Okay. Well, just</p> <p>8 <u>in response to that, the documents that</u></p> <p>9 <u>were not used that were relevant to the</u></p> <p>10 <u>camera survey are not anything that are</u></p> <p>11 <u>part of the survey that was -- the</u></p> <p>12 <u>report that was produced. You have all</u></p> <p>13 <u>the documents that he relied on in the</u></p> <p>14 <u>opinions that he has set forth in this</u></p> <p>15 <u>case.</u></p> <p>16 MR. BUCHANAN: I understood it to</p> <p>17 <u>be or I think I understand it to be your</u></p> <p>18 <u>position that all the documents that are</u></p> <p>19 <u>relating to the questions asked about</u></p> <p>20 <u>printers have been provided to us, and</u></p> <p>21 <u>my comment is as this expert develops</u></p> <p>22 <u>his opinions in the case, necessarily he</u></p> <p>23 <u>also considers what he has learned about</u></p> <p>24 <u>his own survey about cameras, survey</u></p> <p>25 <u>questions that he developed at the same</u></p>
<p style="text-align: right;">Page 23</p> <p>1 McCullough</p> <p>2 finished the interviews on that, I believe.</p> <p>3 Q. Do you have any further</p> <p>4 understanding of why cameras were, to repeat</p> <p>5 your phrase, off the table?</p> <p>6 MS. KINGSBURY: I'll object as to</p> <p>7 attorney work product.</p> <p>8 You can only answer to the extent</p> <p>9 that there was anything you considered</p> <p>10 in forming your opinions.</p> <p>11 A. I -- I -- I was not given any</p> <p>12 information about why. I was surprised about</p> <p>13 it, but that's -- we were told they're off</p> <p>14 the table.</p> <p>15 REQ MR. BUCHANAN: Okay. Let me state</p> <p>16 <u>for the record that it would seem to me</u></p> <p>17 <u>that a survey expert who designs a</u></p> <p>18 <u>survey, continues forward with a further</u></p> <p>19 <u>round of the survey, then writes a</u></p> <p>20 <u>report about it, in doing so is</u></p> <p>21 <u>necessarily considering the information</u></p> <p>22 <u>that he learned in the initial phase of</u></p> <p>23 <u>his interviewing, so it's our position</u></p> <p>24 <u>on behalf of HP that we are entitled to</u></p> <p>25 <u>all of the documents that he considered</u></p>	<p style="text-align: right;">Page 25</p> <p>1 McCullough</p> <p>2 <u>time for the same case for the same</u></p> <p>3 <u>reason. And so we will reserve our</u></p> <p>4 <u>right to seek to compel the production</u></p> <p>5 <u>of those documents, and if we prevail in</u></p> <p>6 <u>that, then we'll also reserve the right</u></p> <p>7 <u>for a further deposition on that</u></p> <p>8 <u>subject.</u></p> <p>9 MS. KINGSBURY: Okay. And</p> <p>10 obviously we object, but we'll get into</p> <p>11 that more, if you prefer, off the</p> <p>12 record.</p> <p>13 MR. BUCHANAN: Yeah, that was my</p> <p>14 objective, was to --</p> <p>15 MS. KINGSBURY: Okay.</p> <p>16 MR. BUCHANAN: -- at the moment set</p> <p>17 out our positions so that there's no</p> <p>18 misunderstandings, and then move</p> <p>19 forward.</p> <p>20 Q. Let me return your -- direct your</p> <p>21 attention back to Exhibit 1 again. The -- I</p> <p>22 see there was -- it's stated here, estimated</p> <p>23 billing of 144,000 broken out between an</p> <p>24 amount for a printer and an amount for</p> <p>25 camera. Could you explain that estimate to</p>

7 (Pages 22 to 25)

Walter McCullough

<p style="text-align: right;">Page 54</p> <p>1 McCullough</p> <p>2 Q. Do you remember the name of the</p> <p>3 camera?</p> <p>4 A. No. I can barely remember these</p> <p>5 names. I don't remember the name, no.</p> <p>6 Q. It was an HP camera, I take it?</p> <p>7 A. Yes, it was an HP camera.</p> <p>8 MR. BUCHANAN: Let me ask to mark</p> <p>9 the next exhibit.</p> <p>10 ([McCullough] Exhibit 7, invoice to</p> <p>11 Polaroid, marked for identification, as</p> <p>12 of this date.)</p> <p>13 Q. Do you recognize Exhibit 7 as a</p> <p>14 further invoice from your firm to Polaroid</p> <p>15 with a copy to Kirkland & Ellis?</p> <p>16 A. Yes.</p> <p>17 Q. And this one covers both job</p> <p>18 numbers 4450 and 4462?</p> <p>19 A. Yes.</p> <p>20 Q. And is this the most recent invoice</p> <p>21 that you have submitted to date?</p> <p>22 A. Yes.</p> <p>23 Q. I assume there will be another</p> <p>24 invoice after the deposition, but this is as</p> <p>25 you've gotten so far?</p>	<p style="text-align: right;">Page 56</p> <p>1 McCullough</p> <p>2 but I'm not sure. I don't remember the</p> <p>3 details of the conversations.</p> <p>4 Q. And there's a reflection for time</p> <p>5 of senior project staff. Who was that?</p> <p>6 A. Probably at that point it was</p> <p>7 Jackie Cummings, who is -- used to be the</p> <p>8 person that was my project director working</p> <p>9 on projects with me on these types of</p> <p>10 projects.</p> <p>11 Q. And I see that the "Re" line of</p> <p>12 this invoice is "Printer and camera surveys."</p> <p>13 Was the work that is reflected in this</p> <p>14 invoice involve both printers and cameras?</p> <p>15 A. Where do you see "printers and</p> <p>16 cameras"?</p> <p>17 Q. Underneath the address --</p> <p>18 A. Oh.</p> <p>19 Q. -- above the line.</p> <p>20 A. Now, the reason for that is the</p> <p>21 carry-over from the last bill, which is -- I</p> <p>22 used the last invoice as a model, and just</p> <p>23 never changed it. It could have been just</p> <p>24 printer surveys. I just carried over the --</p> <p>25 the title from the previous invoices. I</p>
<p style="text-align: right;">Page 55</p> <p>1 McCullough</p> <p>2 A. Correct.</p> <p>3 Q. What is the work reflected in this</p> <p>4 invoice?</p> <p>5 A. I don't know the exact nature of</p> <p>6 it, but obviously I spent some time with</p> <p>7 counsel after -- after the report is</p> <p>8 completed I bill for my time at \$600 an hour</p> <p>9 and other time appropriately. It probably --</p> <p>10 some of this probably is related to the</p> <p>11 production. That's probably what it is,</p> <p>12 thinking back on it, production and</p> <p>13 conversation with counsel, because I have</p> <p>14 clerical staff here, and they are probably,</p> <p>15 just you know, making copies of the</p> <p>16 questionnaire, and then I see there's</p> <p>17 photocopies and shipping down there. So this</p> <p>18 is basically the cost that relates to</p> <p>19 production but possibly some conversations I</p> <p>20 had with counsel about some issues.</p> <p>21 Q. And do you recall who, which</p> <p>22 counsel you spoke with?</p> <p>23 A. It's probably Maria Meginnes,</p> <p>24 because I think Courtney Holohan was still in</p> <p>25 trial at this time. So I think it was her,</p>	<p style="text-align: right;">Page 57</p> <p>1 McCullough</p> <p>2 probably should have just said printer</p> <p>3 surveys, because at that time camera survey</p> <p>4 was not an issue.</p> <p>5 Q. So is it your testimony that the</p> <p>6 work reflected on the March 31 invoice</p> <p>7 involves only printers and not cameras?</p> <p>8 A. No.</p> <p>9 MR. BUCHANAN: So I suggest we take</p> <p>10 a break. It's been about an hour.</p> <p>11 THE VIDEOGRAPHER: Going off the</p> <p>12 record. The time is 10:01 a.m. This is</p> <p>13 the end of tape one.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: We are back on</p> <p>16 the record. The time is 10:23 a.m.</p> <p>17 This is the beginning of tape two.</p> <p>18 Q. Mr. McCullough, how many surveys</p> <p>19 roughly have you done in your career?</p> <p>20 A. Thousands.</p> <p>21 Q. And how many for litigation have</p> <p>22 you done roughly?</p> <p>23 A. Hundreds.</p> <p>24 Q. How many times have you testified</p> <p>25 in court?</p>

15 (Pages 54 to 57)

Walter McCullough

<p style="text-align: right;">Page 58</p> <p>1 McCullough</p> <p>2 A. I'd be really guessing at this, but</p> <p>3 probably 30, 40 times maybe?</p> <p>4 Q. And how many depositions would you</p> <p>5 guess?</p> <p>6 A. Maybe twice that number.</p> <p>7 Q. Your report tells us, does it, the</p> <p>8 instances where you have provided testimony</p> <p>9 during the last four years?</p> <p>10 A. That's correct.</p> <p>11 Q. And that's at the very end of your</p> <p>12 report?</p> <p>13 A. That's correct.</p> <p>14 Q. Do you know how it came about that</p> <p>15 Kirkland & Ellis contacted you?</p> <p>16 Had you worked with them before?</p> <p>17 A. I'd worked with a Mr. Paul Garcia</p> <p>18 previously, and that may be how they found</p> <p>19 out about it.</p> <p>20 Q. Who is Paul Garcia?</p> <p>21 A. He's an attorney from Kirkland &</p> <p>22 Ellis.</p> <p>23 Q. Which city?</p> <p>24 A. Chicago.</p> <p>25 Q. How did you get into the business</p>	<p style="text-align: right;">Page 60</p> <p>1 McCullough</p> <p>2 THE WITNESS: Arnold & Porter, I'm</p> <p>3 sorry.</p> <p>4 A. -- Arnold & Porter from Washington,</p> <p>5 law firm, and it had something to do -- I</p> <p>6 think it was a false advertising case.</p> <p>7 Q. Was there a reported decision in</p> <p>8 that case; do you know?</p> <p>9 A. Yes. That's how the lawyers</p> <p>10 started calling me, I think, from the</p> <p>11 decision.</p> <p>12 Q. And was there a Court of Appeals</p> <p>13 decision in that case; do you know?</p> <p>14 A. I don't know.</p> <p>15 Q. You went to -- you had an</p> <p>16 undergraduate degree, yes?</p> <p>17 A. Yes.</p> <p>18 Q. And where and when?</p> <p>19 A. 1963, Lafayette College, in</p> <p>20 psychology.</p> <p>21 Q. And any further degrees after that?</p> <p>22 A. Yes. I have an MBA with a market</p> <p>23 research specialization from Baruch that I</p> <p>24 obtained I think it was '77 or something like</p> <p>25 that.</p>
<p style="text-align: right;">Page 59</p> <p>1 McCullough</p> <p>2 of doing surveys?</p> <p>3 A. About 20, 20, 25 years ago an</p> <p>4 attorney asked me if I would critique a</p> <p>5 survey that was done by another expert, and I</p> <p>6 agreed to do that, and the judge relied upon</p> <p>7 my decision and mentioned me several times or</p> <p>8 relied upon my testimony, and relied upon</p> <p>9 that in his decision, and he said "Ed</p> <p>10 McCullough said," and he went on and</p> <p>11 mentioned something Ed McCullough said, and</p> <p>12 all of a sudden the phone started ringing.</p> <p>13 Q. What was the name of that case?</p> <p>14 A. It was a case that involved Advil</p> <p>15 and -- and Motrin I believe.</p> <p>16 Q. And what court was it in?</p> <p>17 A. Southern District of New York.</p> <p>18 Q. How long ago?</p> <p>19 A. Oh, 20 to 25 years ago.</p> <p>20 I think I was -- the law firm I was</p> <p>21 working with at that point was (inaudible) --</p> <p>22 (Noise interruption.)</p> <p>23 A. -- from Washington --</p> <p>24 THE COURT REPORTER: I couldn't</p> <p>25 hear you.</p>	<p style="text-align: right;">Page 61</p> <p>1 McCullough</p> <p>2 Q. Any further degrees?</p> <p>3 A. No.</p> <p>4 Q. <u>Have you done teaching in an</u></p> <p>5 <u>academic setting?</u></p> <p>6 A. <u>Not on a regular basis, no.</u></p> <p>7 Q. On an occasional basis?</p> <p>8 A. I have occasionally gone to a law</p> <p>9 school class for -- to talk to the students</p> <p>10 on a just a one-time basis here and there.</p> <p>11 Q. <u>Have you written articles in</u></p> <p>12 <u>academic journals?</u></p> <p>13 A. <u>No.</u></p> <p>14 Q. Your report, on the very last page</p> <p>15 lists three papers that you've provided, that</p> <p>16 you've given --</p> <p>17 MR. BUCHANAN: Strike that.</p> <p>18 Q. Are these the papers -- is this a</p> <p>19 full listing of the papers that you've</p> <p>20 authored over the last ten years?</p> <p>21 A. That's correct.</p> <p>22 Q. And those were about ways to</p> <p>23 increase survey response rates in mail</p> <p>24 surveys?</p> <p>25 A. That's correct.</p>

16 (Pages 58 to 61)

Walter McCullough

<p style="text-align: right;">Page 90</p> <p>1 McCullough 2 printers use that feature? 3 A. I don't think that's a necessary 4 component. That's an additional piece of 5 information. 6 Q. Is it -- in determining consumers' 7 perceived value of the feature, is it of 8 interest to try and project how often they 9 think they will use it? 10 A. Again, that's something that they 11 would take into consideration potentially 12 when they're giving answers to the questions. 13 That's not something that I would seek to 14 find out separately. 15 Q. Are you aware of any sorts of 16 information of how often owners of HP 17 printers actually do use this feature? 18 A. I'm not. 19 Q. Are you aware of any -- 20 MR. BUCHANAN: Strike that. 21 Q. Did you consider conducting a 22 survey of people who actually owned them? 23 A. No. 24 Q. Are you aware of any information on 25 as to whether those who own the printers and</p>	<p style="text-align: right;">Page 92</p> <p>1 McCullough 2 about do anything, so I could design a survey 3 to try to elicit that information, but it 4 would depend upon a number of factors, you 5 know, in terms of whether people are using 6 the feature actually even know they're using 7 the feature, in terms of whether they 8 understand if they had to reprint the 9 product, reprint it, at least (inaudible) 10 printing for one reason versus another. 11 There would be a lot of issues involved, but 12 I can design surveys to test for virtually 13 anything. 14 Q. In the -- do you have any current 15 plans to do any further surveys related to 16 this case? 17 A. No, I do not. 18 Q. And are there any others besides -- 19 that you've done in this case besides the 20 printers and cameras that you've told us 21 about? 22 A. No. There are no others. 23 Q. Before you set off on those surveys 24 did you do before -- in advance any pre-tests 25 or focus groups or any other preliminary</p>
<p style="text-align: right;">Page 91</p> <p>1 McCullough 2 use this feature are caused to print photos 3 more often than they would have absent the 4 feature? 5 A. I'm not aware of that either way. 6 Q. And are you aware of any source of 7 information on that subject? 8 A. No, I'm not. 9 Q. If we asked you to think about it, 10 can you design a survey to study that 11 question? 12 A. The question of -- once again? 13 Would you repeat it? 14 Q. Can we read it back, and see how 15 well did I frame the question. 16 A. Good test. 17 (Discussion off the record.) 18 (Record read, as follows: 19 "Question: Are you aware of any 20 information on as to whether those who 21 own the printers and use this feature 22 are caused to print photos more often 23 than they would have absent the 24 feature?") 25 A. No. I can design surveys to just</p>	<p style="text-align: right;">Page 93</p> <p>1 McCullough 2 work? 3 A. No, I did not. 4 Q. How did you go about -- 5 MR. BUCHANAN: Strike that. 6 Q. Of the -- of the past surveys that 7 you've done either in business settings or in 8 litigation, are there any of the past ones 9 that are particularly similar to the one that 10 you did here? 11 A. As I sit here I can't think of any. 12 No. 13 Q. Is this -- is the design of this 14 survey particularly different from ones that 15 you have done in the past? 16 A. By definition of "last," last 17 answer, yes. Most of the surveys I work on 18 in a litigation context are either trademark 19 surveys or false advertising surveys, so this 20 kind of survey is somewhat different than 21 what I usually do. So yes, it is different. 22 Q. <u>And is this the first time that</u> 23 <u>you've done a perceived value survey for</u> 24 <u>litigation purposes?</u> 25 <u>A. Probably is, yes.</u></p>

24 (Pages 90 to 93)

Walter McCullough

<p style="text-align: right;">Page 110</p> <p>1 McCullough</p> <p>2 answers about the Officejet 5610, which had a</p> <p>3 price, after rebate, of one penny less than a</p> <p>4 hundred dollars; is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. And the median that's reported to</p> <p>7 you was \$20.</p> <p>8 A. That's correct.</p> <p>9 Q. Why would I pay \$50 for a feature</p> <p>10 in one printer if I could get it for \$20 in</p> <p>11 another printer?</p> <p>12 A. Well, of course, you have to</p> <p>13 recognize that these are completely different</p> <p>14 respondents that are reacting to completely</p> <p>15 different stimuli, and it's apparent from the</p> <p>16 results is that people are looking at this</p> <p>17 feature as being a certain value relative to</p> <p>18 the total price, and that's why I put down</p> <p>19 the bottom on the next line that the percent</p> <p>20 of price turns out to be about the same in</p> <p>21 each case, 17 or 18 percent, which tends to</p> <p>22 suggest that respondents are saying, well,</p> <p>23 this is a feature that's worth, on average,</p> <p>24 17, 18 percent of the price of the printer.</p> <p>25 Q. So as you would -- based on your</p>	<p style="text-align: right;">Page 112</p> <p>1 McCullough</p> <p>2 that we saw on the main survey questionnaire,</p> <p>3 that question was the same for both groups,</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. So they were both told the same</p> <p>7 thing about the adaptive lighting feature.</p> <p>8 A. That's right.</p> <p>9 Q. As you had a chance to think about</p> <p>10 the results of your survey applying to your</p> <p>11 experience, is there any other driver that</p> <p>12 you would identify as a main component of</p> <p>13 driving these results?</p> <p>14 A. Driver -- other driver as -- which</p> <p>15 one are you referring to?</p> <p>16 Q. You told me that one of the main</p> <p>17 drivers is view this feature in the context</p> <p>18 of the overall price for the printer.</p> <p>19 A. Right.</p> <p>20 Q. Any other major driver?</p> <p>21 A. My -- my assumption in looking at</p> <p>22 the results is people are making a judgment</p> <p>23 as to what value this feature has to them,</p> <p>24 and they are putting it in proportion to the</p> <p>25 price of the total printer.</p>
<p style="text-align: right;">Page 111</p> <p>1 McCullough</p> <p>2 experience, as you would understand what's</p> <p>3 driving these results, the main driver is</p> <p>4 people view the value of the feature in the</p> <p>5 context of the price of the printer as a</p> <p>6 whole?</p> <p>7 A. Yes.</p> <p>8 Q. So when the price of the printer is</p> <p>9 reduced, then they perceive the value of that</p> <p>10 feature as reduced.</p> <p>11 A. Well, yes, except the price of the</p> <p>12 printer's not reduced; it's a different</p> <p>13 printer. When you have a different printer</p> <p>14 at a lower price, it's going to result in a</p> <p>15 lower expectation of what the -- how much</p> <p>16 less it would cost.</p> <p>17 Q. And you showed me the -- so one</p> <p>18 group of people were shown the fact sheet for</p> <p>19 the 300-dollar printer --</p> <p>20 A. Yes.</p> <p>21 Q. -- and the other group of people</p> <p>22 were shown the fact sheet for the 100-dollar</p> <p>23 printer; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And then the question number one</p>	<p style="text-align: right;">Page 113</p> <p>1 McCullough</p> <p>2 <u>Q. Do you believe that the people who</u></p> <p>3 <u>were respondents had any experience in</u></p> <p>4 <u>themselves setting prices for products?</u></p> <p>5 <u>A. Setting prices?</u></p> <p>6 <u>Q. Yes.</u></p> <p>7 <u>A. No.</u></p> <p>8 Q. By the way, did you use a</p> <p>9 subcontractor firm to set up the actual</p> <p>10 interviewers?</p> <p>11 A. All of the interviewing that's done</p> <p>12 in malls is actually done by subcontract.</p> <p>13 Q. Did you have a single subcontractor</p> <p>14 or multiple --</p> <p>15 A. No --</p> <p>16 Q. -- for the various malls?</p> <p>17 A. -- multiple subcontractors.</p> <p>18 Q. And are their names stated</p> <p>19 somewhere?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you remember their names?</p> <p>22 A. No, because I don't deal with them</p> <p>23 directly; my field director does.</p> <p>24 Q. Who is your field director?</p> <p>25 A. Tom Jasorka, J-a-s-o-r-k-a.</p>

29 (Pages 110 to 113)

Walter McCullough

<p style="text-align: right;">Page 122</p> <p>1 McCullough 2 (Recess taken.) 3 THE VIDEOGRAPHER: We are back on 4 the record. The time is 11:49 a.m. 5 This is the beginning of tape three. 6 ([McCullough] Exhibit 14, Mr. 7 McCullough expert report in Levi Strauss 8 case, marked for identification, as of 9 this date.) 10 Q. I've handed you what's been marked 11 as Exhibit 14. Is this a report that you 12 submitted in a case involving Levi Strauss? 13 A. (Reading) Well, it appears to be, 14 although I have no recollection of this case. 15 Q. You have no recollection of 16 submitting a report in a case involving Levi 17 Strauss? 18 A. A couple of cases I've been 19 involved with where they've been on the -- 20 they've been on the other side. 21 Q. So let me -- 22 A. I don't remember this particular -- 23 Q. To -- 24 A. -- case. 25 Q. -- walk through this for a moment,</p>	<p style="text-align: right;">Page 124</p> <p>1 McCullough 2 A. No. 3 Q. Okay. Are you able to -- having 4 taken a look at this for a moment, have you 5 been able to determine that this is not a 6 report by you? 7 A. Well, I have to assume that since 8 the beginning talks about -- well, it has my 9 name and it says I've done research for 30 10 years or so. (Reading). 11 Q. Look -- 12 A. It looks like it's a description of 13 me, but I just don't remember the actual 14 project. 15 Q. Okay. But reading the first page, 16 your name and title and the qualifications 17 stated, those look like you, yes? 18 A. Yes, they do. 19 Q. Have you -- let's like at page two. 20 <u>Have you from time to time in the course of</u> 21 <u>your work referred to the "Reference Guide on</u> 22 <u>Survey Research" chapter of the Reference</u> 23 <u>Manual on Scientific Evidence from the</u> 24 <u>Federal Judicial Center, by Sheri Diamond?</u> 25 <u>A. Yes, I have.</u></p>
<p style="text-align: right;">Page 123</p> <p>1 McCullough 2 let me ask you to turn to page two. 3 A. Okay. 4 Q. Under the heading "Information 5 Provided For Evaluation" it says you reviewed 6 a report of the Professor Scott December '04, 7 and reviewed a transcript of the deposition 8 of Professor Scott February -- 9 A. Um-hm. 10 Q. -- '05. Do you remember that? 11 A. No. (Laughing). 12 Q. Have you from time to time been 13 retained to critique surveys done by other 14 people? 15 A. Yes, I have. 16 Q. Do you recall ever being retained 17 to critique a report by Professor Scott? 18 A. You're refreshing my memory, but I 19 don't recall it. Honestly don't remember it. 20 Q. Are you familiar with Professor 21 Scott? 22 A. Not as we sit here, I'm not. 23 Q. Okay. I -- I happen to be familiar 24 with a Professor Carol Scott. If I mention 25 the first name Carol, does that ring a bell?</p>	<p style="text-align: right;">Page 125</p> <p>1 McCullough 2 Q. Are you familiar with that work? 3 A. Yes, I am. 4 Q. And do you regard that as an 5 appropriate reference tool? 6 A. It's an appropriate reference tool, 7 yes. 8 Q. <u>Is that an authoritative statement</u> 9 <u>on standards for research surveys?</u> 10 <u>A. As a basic guideline, yes.</u> Most of 11 what she says in there I would agree with. 12 Certain things I may not agree with. But as 13 a basic tool, particularly for people that 14 were not familiar with surveys, it's a good 15 starting point. 16 Q. Do you recall something in 17 particular in her work that you don't agree 18 with? 19 A. I recall that there was some things 20 -- well, I haven't read her recently, besides 21 this, several times over the years, but there 22 were a couple of things that I felt that she 23 was not really necessarily on target with. I 24 don't remember what they are now, though. 25 Q. All right. I think you</p>

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Walter McCullough

<p style="text-align: right;">Page 126</p> <p>1 McCullough</p> <p>2 acknowledged that from time to time you have</p> <p>3 been engaged to critique work by other survey</p> <p>4 experts. In doing that, have you cited to</p> <p>5 the Federal Judicial Center "Reference Guide</p> <p>6 on Survey Research" chapter?</p> <p>7 A. Yes. I've sometimes used her</p> <p>8 outline as a guideline.</p> <p>9 Q. And would you agree that it's</p> <p>10 appropriate to apply those same guidelines to</p> <p>11 your own work?</p> <p>12 A. Yes.</p> <p>13 Q. So let me run through some of these</p> <p>14 questions.</p> <p>15 <u>The first question listed here on</u></p> <p>16 <u>Exhibit 14 is "Was the survey designed to</u></p> <p>17 <u>address relevant questions?" Do you regard</u></p> <p>18 <u>that as an appropriate question?</u></p> <p>19 A. Yes.</p> <p>20 Q. What was the question that your</p> <p>21 survey was designed to address, and -- and --</p> <p>22 and do you have an understanding one way or</p> <p>23 the other as to whether it was -- that</p> <p>24 question was relevant?</p> <p>25 A. Well, the question that the survey</p>	<p style="text-align: right;">Page 128</p> <p>1 McCullough</p> <p>2 Exhibit 14. Question two -- let me give a</p> <p>3 <u>copy to the court reporter just in case --</u></p> <p>4 <u>"Was participation in the design and</u></p> <p>5 <u>administration and interpretation of the</u></p> <p>6 <u>survey appropriately controlled to ensure the</u></p> <p>7 <u>objectivity of the survey?" Is that an</u></p> <p>8 <u>appropriate question to apply?</u></p> <p>9 A. In general concept, yes.</p> <p>10 Q. In what way was your survey</p> <p>11 designed so as to ensure objectivity?</p> <p>12 A. The -- the questions that -- the</p> <p>13 method of showing respondents the stimulus</p> <p>14 was an objective way of doing it, because</p> <p>15 this is a piece that is available from the</p> <p>16 websites, so the -- the stimulus information</p> <p>17 was appropriate. The questions -- the</p> <p>18 questions I asked were a fair question. They</p> <p>19 were not leading questions. And the answers</p> <p>20 for the most part that we relied upon were</p> <p>21 answers that were volunteered by respondents.</p> <p>22 So I think it's a good, straightforward, fair</p> <p>23 questionnaire.</p> <p>24 Q. When you ask about the perceived</p> <p>25 value of the one feature, adaptive lighting,</p>
<p style="text-align: right;">Page 127</p> <p>1 McCullough</p> <p>2 addressed, as I indicated before, is -- is</p> <p>3 the value that consumers would put on the</p> <p>4 adaptive lighting technology.</p> <p>5 Q. And do you have an understanding or</p> <p>6 opinion as to whether that question is</p> <p>7 relevant in the context of this litigation?</p> <p>8 A. I'm told by counsel it's relevant.</p> <p>9 Q. Do you yourself have an opinion or</p> <p>10 an understanding on the subject?</p> <p>11 A. Inasmuch as I don't know about the</p> <p>12 rest of the case, it's hard for me to answer</p> <p>13 that.</p> <p>14 Q. Do I take it, then, that -- is it a</p> <p>15 correct statement, then, that based on the</p> <p>16 information that you have currently, you</p> <p>17 don't have an opinion as to whether it's</p> <p>18 relevant?</p> <p>19 A. I don't have a personal opinion on</p> <p>20 whether it's relevant. I was refer -- I was</p> <p>21 responding to the attorneys' request. I</p> <p>22 don't know about the rest of the case, so I</p> <p>23 don't know how relevant my piece is to the</p> <p>24 rest of the case.</p> <p>25 Q. Let's look at number two stated in</p>	<p style="text-align: right;">Page 129</p> <p>1 McCullough</p> <p>2 and you don't ask about the perceived value</p> <p>3 of other features, isn't that leading,</p> <p>4 inherently?</p> <p>5 A. No.</p> <p>6 Q. Why not?</p> <p>7 A. Leading is a term that's basically</p> <p>8 used to -- to -- to define a situation where</p> <p>9 your question suggests an answer, and the</p> <p>10 question doesn't suggest an answer in this</p> <p>11 case. The respondent is able to answer based</p> <p>12 on their own beliefs.</p> <p>13 Q. Let's look at number three.</p> <p>14 Question three reads "Are the experts who</p> <p>15 designed, conducted or analyzed the survey</p> <p>16 appropriately skilled and experienced?"</p> <p>17 That's appropriate to ask, yes?</p> <p>18 A. Yes, it is.</p> <p>19 Q. Number four, "Are the experts who</p> <p>20 will testify about others appropriately</p> <p>21 skilled and experienced?", that, too, is</p> <p>22 appropriate to ask, yes?</p> <p>23 A. I believe so.</p> <p>24 Q. Number five, "Was an appropriate</p> <p>25 <u>universe or population identified?", that's</u></p>

33 (Pages 126 to 129)

Walter McCullough

<p style="text-align: right;">Page 130</p> <p>1 McCullough</p> <p>2 appropriate to ask, yes?</p> <p>3 A. Yes, it is.</p> <p>4 Q. How did you identify the universe</p> <p>5 or population for your question?</p> <p>6 A. Well, it was based upon, as you</p> <p>7 probably know, people who had bought a color</p> <p>8 printer in the past year or thought they</p> <p>9 might buy one in the next year, so that's by</p> <p>10 definition a relevant universe.</p> <p>11 Q. Point six on Exhibit 14, "Did the</p> <p>12 sampling frame approximate the population?",</p> <p>13 is that an appropriate question?</p> <p>14 A. Yes, it is.</p> <p>15 Q. What does "sampling frame" mean?</p> <p>16 A. Sampling frame is really the way in</p> <p>17 which you obtain your respondents to meet the</p> <p>18 population definition.</p> <p>19 And the way I did that was, as we</p> <p>20 described before, I described before, was to</p> <p>21 talk to men and women who met the</p> <p>22 qualification, involved after I had gone</p> <p>23 through a screening of age and sex to make</p> <p>24 sure that there is a good distribution of</p> <p>25 people asking the screening questions that</p>	<p style="text-align: right;">Page 132</p> <p>1 McCullough</p> <p>2 is widely used in the marketing research and</p> <p>3 media research field, and one that the courts</p> <p>4 have rarely excepted.</p> <p>5 Q. Is it -- do you have an opinion</p> <p>6 here that in your particular survey,</p> <p>7 non-response -- level of non-response did not</p> <p>8 bias the results?</p> <p>9 A. I have no reason to suspect</p> <p>10 non-response in any way biases the results.</p> <p>11 Q. And do you have reason to believe</p> <p>12 that non-response did not bias the results?</p> <p>13 A. I'd actually say -- since I don't</p> <p>14 know what the non-response rate was, I'd have</p> <p>15 to say that based on the procedures we use,</p> <p>16 that I don't think that non-response -- there</p> <p>17 is no reason to think that non-response is an</p> <p>18 issue here.</p> <p>19 Q. Is there a phenomenon in mall</p> <p>20 intercept surveys that the people who are</p> <p>21 friendly by nature are more likely to be</p> <p>22 willing to stop and participate than people</p> <p>23 who are less friendly by nature?</p> <p>24 A. I think that's true of all</p> <p>25 interviewing, not just in malls.</p>
<p style="text-align: right;">Page 131</p> <p>1 McCullough</p> <p>2 come from six different age/sex groupings.</p> <p>3 Q. Question seven on Exhibit 14 reads</p> <p>4 "How was the sample selected to approximate</p> <p>5 the relevant characteristics of the</p> <p>6 population?" That's an appropriate standard</p> <p>7 to ask?</p> <p>8 A. Yes.</p> <p>9 Q. And do you have anything further to</p> <p>10 add on what you just told me?</p> <p>11 A. I think I pretty much answered that</p> <p>12 along with six.</p> <p>13 Q. Question eight on Exhibit 14 reads</p> <p>14 "Was the level of non-response sufficient to</p> <p>15 raise questions about the representativeness</p> <p>16 of the sample? If so, what is the evidence</p> <p>17 that non-response did not bias the results of</p> <p>18 the survey?" Is that an appropriate question</p> <p>19 to ask?</p> <p>20 A. It is an appropriate question to</p> <p>21 ask.</p> <p>22 And, as we indicated before, when</p> <p>23 you do mall surveys, you really don't have a</p> <p>24 way of calculating non-response rate, but it</p> <p>25 is a -- it is an interviewing technique that</p>	<p style="text-align: right;">Page 133</p> <p>1 McCullough</p> <p>2 Q. And is there a phenomenon in malls</p> <p>3 or everywhere that those people are more</p> <p>4 likely to wish to please the interviewer than</p> <p>5 people who decline to participate?</p> <p>6 A. There is a phenomenon that has been</p> <p>7 described in the literature in certain</p> <p>8 situations that people try to please the</p> <p>9 interviewer.</p> <p>10 You try to avoid that situation by</p> <p>11 not asking questions where you have obvious</p> <p>12 answers, like leading questions.</p> <p>13 Q. Number nine on Exhibit 14 reads</p> <p>14 "What procedures were used to reduce the</p> <p>15 likelihood of a biased sample?" That's an</p> <p>16 appropriate question to ask, yes?</p> <p>17 A. Yes. I think --</p> <p>18 Q. And what procedures of that nature</p> <p>19 were used in your survey?</p> <p>20 A. I was -- I think I described that</p> <p>21 to a large degree when I talked about six and</p> <p>22 seven. The screening process to make sure</p> <p>23 that I started out with a representative</p> <p>24 sample of men and women in those age groups</p> <p>25 is a method that's used to reduce the</p>

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<p style="text-align: right;">Page 134</p> <p>1 McCullough</p> <p>2 likelihood of biased sample.</p> <p>3 Q. Question ten on Exhibit 14 reads</p> <p>4 <u>"What precautions were taken to ensure that</u></p> <p>5 <u>only qualified respondents were included in</u></p> <p>6 <u>the survey?" That's an appropriate question</u></p> <p>7 <u>to ask in a survey, yes?</u></p> <p>8 A. Yes.</p> <p>9 And basically we asked our</p> <p>10 screening questions the way we've done it,</p> <p>11 and then we also validate the question in a</p> <p>12 vacuum.</p> <p>13 Q. Point 11 on the next page of</p> <p>14 Exhibit 14 reads <u>"Were questions on the</u></p> <p>15 <u>survey framed to be clear, precise and</u></p> <p>16 <u>unbiased?" That is appropriate to ask of a</u></p> <p>17 <u>survey, yes?</u></p> <p>18 A. Yes.</p> <p>19 Q. And do you believe you met that</p> <p>20 standard here?</p> <p>21 A. Absolutely.</p> <p>22 Q. Anything further to say on that</p> <p>23 beyond what you've already told me?</p> <p>24 A. I don't think so.</p> <p>25 Q. Question 12 on Exhibit 14 asks</p>	<p style="text-align: right;">Page 136</p> <p>1 McCullough</p> <p>2 asked them, well, how much less do you think</p> <p>3 that would be. They're giving you an</p> <p>4 estimate of what they think based upon the</p> <p>5 information they've seen and based upon their</p> <p>6 own needs and their own assessment of what</p> <p>7 this -- what the feature's worth. That's not</p> <p>8 -- that's not guessing. That's -- that's --</p> <p>9 that's responding to the questions.</p> <p>10 Q. Where these are people who don't</p> <p>11 have previous experience setting the price</p> <p>12 for a product as a printer, why isn't it</p> <p>13 guessing when you asked them how much less it</p> <p>14 would cost without this feature?</p> <p>15 A. Well, they're not setting a price,</p> <p>16 actually. What they're doing is they're</p> <p>17 giving an estimate of what the -- of what the</p> <p>18 feature's worth to them by answering the</p> <p>19 question of how much less would it cost if it</p> <p>20 didn't have it. They're not setting the</p> <p>21 price in any way. They're giving you their</p> <p>22 estimate of how much less they think it would</p> <p>23 cost, based on their own assessment of the</p> <p>24 value as to them.</p> <p>25 Q. Why didn't you ask them what would</p>
<p style="text-align: right;">Page 135</p> <p>1 McCullough</p> <p>2 "Were filter questions provided to reduce</p> <p>3 guessing?" Is that appropriate to ask of a</p> <p>4 survey?</p> <p>5 A. In the right circumstance, yes.</p> <p>6 Q. Should that -- does that</p> <p>7 circumstance apply to your survey in this</p> <p>8 case?</p> <p>9 A. There's no situation here where I</p> <p>10 think a filter question as normally described</p> <p>11 would be appropriate.</p> <p>12 Q. In this case, when you asked people</p> <p>13 how much less would the printer cost without</p> <p>14 the adaptive lighting feature, weren't they</p> <p>15 guessing?</p> <p>16 A. No. They were estimating --</p> <p>17 Q. What's the difference?</p> <p>18 A. -- what they thought --</p> <p>19 Well, guessing is really just</p> <p>20 picking a number out of the air or picking --</p> <p>21 usually picking among choices that might be</p> <p>22 provided.</p> <p>23 We asked people if they thought it</p> <p>24 should be the same price or a lower price,</p> <p>25 and if they said it would cost less, then we</p>	<p style="text-align: right;">Page 137</p> <p>1 McCullough</p> <p>2 it be worth to them?</p> <p>3 A. Well, I did ask them that, but I</p> <p>4 asked them in a better way.</p> <p>5 Q. What are instances where you</p> <p>6 believe as a survey expert that filter</p> <p>7 questions should -- should be provided? Can</p> <p>8 you give me an example?</p> <p>9 A. Well, let's say you're going to ask</p> <p>10 people what comes to mind is an advertising</p> <p>11 situation, and you show people a print ad,</p> <p>12 and let's say you're interested in a certain</p> <p>13 topic in the print ad. You might ask people</p> <p>14 when you looked at that print ad, do you</p> <p>15 recall seeing anything about the topic, and</p> <p>16 if they say yes, then you can ask them the</p> <p>17 further questions about the topic. If they</p> <p>18 say no, then you skip them out, rather than</p> <p>19 going right into the questions without asking</p> <p>20 that filter. That's what comes to mind.</p> <p>21 There are a number of the cases. And most</p> <p>22 filters are like yes/no type questions. And</p> <p>23 there's probably many examples, but that's</p> <p>24 the one that comes to mind.</p> <p>25 Q. Question 13 on this exhibit reads</p>

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Walter McCullough

<p style="text-align: right;">Page 146</p> <p>1 McCullough</p> <p>2 A. Well, not here they weren't, but in</p> <p>3 the paragraph, the preamble up above asks --</p> <p>4 the sentence says "If you don't know the</p> <p>5 answer to any of my questions, please don't</p> <p>6 hesitate to say that." So we give them a</p> <p>7 global instruction, so any point during the</p> <p>8 interview they want to say they don't know,</p> <p>9 they feel free to say that.</p> <p>10 But here, these two options that</p> <p>11 they were given were the ones that in the --</p> <p>12 that are written into the question, which is</p> <p>13 "would cost less" or "price would be the</p> <p>14 same," half the time in that order, half the</p> <p>15 time in the reverse order.</p> <p>16 Q. And why did -- did you think of</p> <p>17 also giving them as an option "would cost</p> <p>18 more"?</p> <p>19 A. Well, I thought of it for a second,</p> <p>20 and dismissed it as being silly, because it</p> <p>21 really just doesn't make any sense.</p> <p>22 Q. By the way, reading the portion of</p> <p>23 question one here that appears right before</p> <p>24 those choices, might it be the case that some</p> <p>25 respondents may wonder whether the feature</p>	<p style="text-align: right;">Page 148</p> <p>1 McCullough</p> <p>2 balancing relationships between bright and</p> <p>3 dark areas in a photo, preserving gentle</p> <p>4 contrasts by smoothing out harsh contrasts."</p> <p>5 Where did you get that language from?</p> <p>6 A. I believe it was kind of a</p> <p>7 <u>compilation of things I got from the</u></p> <p>8 <u>different sites that I visited, and I put</u></p> <p>9 <u>together what I thought was a good</u></p> <p>10 <u>description based upon various descriptions,</u></p> <p>11 <u>mostly from HP website. It's not one -- it's</u></p> <p>12 <u>not one place I got it all from. It was kind</u></p> <p>13 <u>of a composite of what I got from the various</u></p> <p>14 <u>sites.</u></p> <p>15 Q. And the various sites that you went</p> <p>16 to, the various things that are now in your</p> <p>17 folder are the things we went through earlier</p> <p>18 in the deposition?</p> <p>19 A. Well, that's probably some of it,</p> <p>20 but there's a lot of other stuff that I</p> <p>21 didn't print out that I went to. I did a lot</p> <p>22 of searching around the HP website. There</p> <p>23 was a lot of stuff there.</p> <p>24 Q. Do you believe that you drew on</p> <p>25 wording from somewhere else on the HP website</p>
<p style="text-align: right;">Page 147</p> <p>1 McCullough</p> <p>2 that does not have this -- excuse me, the</p> <p>3 printer that does not have adaptive lighting</p> <p>4 may have something else in addition beyond</p> <p>5 the printer that you showed them?</p> <p>6 A. No, I can't guess what's in</p> <p>7 somebody else's mind, but I don't see any</p> <p>8 reason why they would think that. I don't</p> <p>9 know why they would think something like</p> <p>10 that.</p> <p>11 Q. Did you give any thought to that as</p> <p>12 you were designing question one?</p> <p>13 A. No.</p> <p>14 I don't think it's a reasonable</p> <p>15 thing for people to think about.</p> <p>16 Q. Back up to the main part of</p> <p>17 question one, the part that begins "This</p> <p>18 particular color Inkjet printer contains a</p> <p>19 feature called adaptive lighting technology"</p> <p>20 -- let me just read the rest of it so that</p> <p>21 we'll have a clear record. "Adaptive</p> <p>22 lighting technology is a break-through</p> <p>23 technology that enables printers to produce</p> <p>24 photos that look more like what people see</p> <p>25 with their own eyes. It accomplishes this by</p>	<p style="text-align: right;">Page 149</p> <p>1 McCullough</p> <p>2 that you did not print out and keep?</p> <p>3 A. There probably were components of</p> <p>4 it that I didn't print out and keep, because</p> <p>5 I was visiting a lot of websites, a lot of</p> <p>6 parts of the website at different points in</p> <p>7 time, and it's very likely there that are</p> <p>8 parts I didn't keep.</p> <p>9 Q. Let me ask you a more specific</p> <p>10 question. I'm sure that -- I understand that</p> <p>11 in the course of your work, generally you</p> <p>12 looked at many Web pages.</p> <p>13 A. Right.</p> <p>14 Q. As you were preparing the wording</p> <p>15 for question one in particular, to the extent</p> <p>16 that you drew on wording on the HP website,</p> <p>17 did you print that out so that you would have</p> <p>18 a record of it, or do you believe that</p> <p>19 question one wording itself rests on portions</p> <p>20 that you didn't keep?</p> <p>21 A. The latter.</p> <p>22 Q. What makes you think so?</p> <p>23 A. Because I don't -- I don't recall</p> <p>24 taking just one definition from someplace and</p> <p>25 not modifying it. A number of the</p>

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Walter McCullough

<p style="text-align: right;">Page 170</p> <p>1 McCullough</p> <p>2 that people speak sometimes.</p> <p>3 Q. So let's look at, for example --</p> <p>4 I'm going to ask you to direct your attention</p> <p>5 to your report, section E, second page of</p> <p>6 data after tab -- after E.</p> <p>7 A. Okay.</p> <p>8 Q. Let me direct your attention to</p> <p>9 questionnaire number 410, near the bottom.</p> <p>10 Question one, "cost less," question two,</p> <p>11 <u>"taking a stab at the dark, but \$15 comes to</u></p> <p>12 <u>mind," does that sound like a guess?</u></p> <p>13 THE COURT REPORTER: I didn't</p> <p>14 understand you.</p> <p>15 (Discussion off the record.)</p> <p>16 A. I think it's one person expressing</p> <p>17 their opinion, and they're saying the way</p> <p>18 that makes it sound more like a guess, but,</p> <p>19 you know, they're not just -- they're not</p> <p>20 just coming up with a number arbitrarily,</p> <p>21 they're coming up with some kind of estimate,</p> <p>22 even though the way they did it makes it</p> <p>23 sound like some kind of guess.</p> <p>24 Q. And let me ask you to turn a couple</p> <p>25 more pages to there's an answer for</p>	<p style="text-align: right;">Page 172</p> <p>1 McCullough</p> <p>2 A. Sure.</p> <p>3 Q. -- "between 50 or a hundred bucks."</p> <p>4 A. No, what was the percentage?</p> <p>5 Because that's a good way. That's the way to</p> <p>6 identify people.</p> <p>7 You said a number on the right-hand</p> <p>8 column?</p> <p>9 Q. Yes, 75.9358.</p> <p>10 A. Okay. Now I got it.</p> <p>11 Q. So is that person guessing?</p> <p>12 A. No. They're estimating between 50</p> <p>13 and a hundred dollars.</p> <p>14 Q. And why did you put down for the --</p> <p>15 am I correct in understanding from the next</p> <p>16 to last column that the number you included</p> <p>17 in your calculation of mean or median for</p> <p>18 that person was 75?</p> <p>19 A. Correct.</p> <p>20 Q. Why 75?</p> <p>21 A. Because that's the midpoint between</p> <p>22 50 and a hundred.</p> <p>23 Q. And when this person said between a</p> <p>24 hundred -- "between 50 or 100," would 51</p> <p>25 equally fall between 50 and a hundred?</p>
<p style="text-align: right;">Page 171</p> <p>1 McCullough</p> <p>2 questionnaire number 490, question one,</p> <p>3 "costs less," question two, "between 15 or</p> <p>4 100 bucks." Do you see that one?</p> <p>5 A. What happened to the page? Because</p> <p>6 they're not in any order.</p> <p>7 Can you tell me which page that is?</p> <p>8 Q. If you look in the column on the</p> <p>9 next to the far right.</p> <p>10 A. How many pages in from the</p> <p>11 beginning?</p> <p>12 That might be easier --</p> <p>13 Q. Sure.</p> <p>14 A. -- because the pages aren't</p> <p>15 numbered.</p> <p>16 Q. One, two, three, four, five --</p> <p>17 sixth.</p> <p>18 A. And you said respondent 490?</p> <p>19 Q. 490. The number in the next to the</p> <p>20 right-hand column is 75.</p> <p>21 A. Oh.</p> <p>22 Q. In fact, there is a cumulative</p> <p>23 percentage you can look at, 75.93583.</p> <p>24 A. Ah. 75, is that (inaudible) --</p> <p>25 Q. So the verbatim response was --</p>	<p style="text-align: right;">Page 173</p> <p>1 McCullough</p> <p>2 A. Well, the answer to that question</p> <p>3 is, obviously, yes, because if you wanted</p> <p>4 more than 50 but the answer -- I interpret</p> <p>5 the answer is meaning they're giving me a</p> <p>6 range, and I have to come up with one number</p> <p>7 in the range, so I think it's the midpoint.</p> <p>8 Q. And let me ask you one more</p> <p>9 question on these verbatims. It's a</p> <p>10 methodology question. If you turn to the end</p> <p>11 of this section on C6180, the last page of</p> <p>12 C6180.</p> <p>13 A. (Perusing document) Okay.</p> <p>14 Q. Am I correct in understanding that</p> <p>15 these are respondents at the top there, "DK,"</p> <p>16 answered don't know?</p> <p>17 A. I'm not -- you said the last page?</p> <p>18 Q. The last page of C6180.</p> <p>19 A. Oh, I'm on the wrong page. Okay.</p> <p>20 (Perusing documents)</p> <p>21 Q. So at the top there's a</p> <p>22 questionnaire I.D. number 307.</p> <p>23 A. Oh, yeah. These are people that</p> <p>24 said they don't know.</p> <p>25 Q. And am I right that you did not</p>

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Walter McCullough

<p style="text-align: right;">Page 226</p> <p>1 McCullough</p> <p>2 necessarily actually buy this -- you know,</p> <p>3 that printer.</p> <p>4 Q. So then what does perceived value</p> <p>5 mean in that context?</p> <p>6 A. Is what they think that feature is</p> <p>7 worth if they were to buy that piece of</p> <p>8 equipment.</p> <p>9 Q. So value is what it would be worth</p> <p>10 if they were going to buy the printer, which</p> <p>11 is different from the assertion that actually</p> <p>12 these people would in fact buy the printer.</p> <p>13 Is that the point?</p> <p>14 A. That's right.</p> <p>15 Q. And is -- how about if it's some</p> <p>16 other printers that's not the 300-dollar</p> <p>17 model and not the hundred-dollar model; have</p> <p>18 you formed an opinion as to what the</p> <p>19 perceived value of the adaptive lighting</p> <p>20 feature would be in some other printer?</p> <p>21 A. I think a rule of thumb would be</p> <p>22 probably taking 17 percent of the price of</p> <p>23 the equipment, and assessing that as the</p> <p>24 value, since that seems to be the level it</p> <p>25 came out for two printers at two different</p>	<p style="text-align: right;">Page 228</p> <p>1 McCullough</p> <p>2 Q. Have you formed any opinion as to</p> <p>3 <u>whether people who have an HP printer are</u></p> <p>4 <u>likely to print more photos as a result of</u></p> <p>5 <u>having the adaptive lighting feature?</u></p> <p>6 A. I don't know that either way.</p> <p>7 Q. And so I take it the results of</p> <p>8 your survey and, for that matter, the results</p> <p>9 of the Jacoby survey do not provide a basis</p> <p>10 <u>to draw a conclusion on that question.</u></p> <p>11 A. That's correct.</p> <p>12 Q. Have you drawn -- formed any</p> <p>13 opinion as to whether HP derives a benefit</p> <p>14 from having the adaptive lighting feature</p> <p>15 provided to people who own HP printers?</p> <p>16 A. I think just on the basis of the</p> <p>17 fact that it has a perceived value of some --</p> <p>18 of some amount, that would basically say yes,</p> <p>19 it does provide a benefit.</p> <p>20 Q. And have you formed any opinion as</p> <p>21 to what's the -- how to quantify that benefit</p> <p>22 to Hewlett-Packard?</p> <p>23 A. Nothing precisely, no. Just what I</p> <p>24 volunteered in my report.</p> <p>25 Q. Nothing further on that subject.</p>
<p style="text-align: right;">Page 227</p> <p>1 McCullough</p> <p>2 printers.</p> <p>3 Q. And have you formed an opinion as</p> <p>4 to what would be the value, the perceived</p> <p>5 value of customers of -- how -- of software,</p> <p>6 of the opinion to buy stand-alone software</p> <p>7 that contains an adaptive lighting feature?</p> <p>8 A. I have no opinion on that.</p> <p>9 Q. And how about have you formed an</p> <p>10 opinion on what would be the value to</p> <p>11 customers of receiving, or not -- not buying</p> <p>12 specifically, but by any method obtaining</p> <p>13 stand-alone software that has an inactive</p> <p>14 lighting feature?</p> <p>15 A. My study doesn't give any</p> <p>16 information about stand-alone software.</p> <p>17 Q. Have you formed any opinion as to</p> <p>18 <u>how often people who have the Hewlett-Packard</u></p> <p>19 <u>printers use the adaptive lighting feature?</u></p> <p>20 A. No.</p> <p>21 Q. Do the results of your survey and,</p> <p>22 <u>for that matter, the Jacoby survey give any</u></p> <p>23 <u>basis to draw a conclusion as to that</u></p> <p>24 <u>question?</u></p> <p>25 A. No.</p>	<p style="text-align: right;">Page 229</p> <p>1 McCullough</p> <p>2 A. That's correct.</p> <p>3 Q. And so I take it the results of</p> <p>4 <u>your survey don't provide a basis to state</u></p> <p>5 <u>anything further to quantify that dollar</u></p> <p>6 <u>benefit.</u></p> <p>7 A. That's right.</p> <p>8 Q. And I -- and likewise, the Jacoby</p> <p>9 <u>survey that you've seen doesn't provide a</u></p> <p>10 <u>basis to quantify that benefit?</u></p> <p>11 A. That's also correct.</p> <p>12 Q. Your survey actually was conducted</p> <p>13 in early 2008. Do you have any opinion as to</p> <p>14 what perceived value was in 2002?</p> <p>15 A. I can't really know that, since I</p> <p>16 didn't do the survey then.</p> <p>17 Q. Do you have any opinion as to what</p> <p>18 HP as of 2002 should have or did believe was</p> <p>19 the perceived value on the adaptive lighting</p> <p>20 feature?</p> <p>21 A. I have no information about that at</p> <p>22 all.</p> <p>23 Q. Have you formed any opinion as to</p> <p>24 what your survey results tell us about a</p> <p>25 negotiation between HP and Polaroid if there</p>

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EXHIBIT F



CHOATE HALL & STEWART LLP

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May 12, 2008

VIA E-MAIL AND FIRST CLASS MAIL

Colby Anne Kingsbury
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, IL 60601-6636

Re: *Polaroid Corporation v. Hewlett-Packard Company*
USDC-D.Del.-C.A. No. 06-738 (SLR)
-- Survey Materials of Walter McCullough

Dear Colby:

I am writing to pursue an issue that arose on May 6 at the deposition of Walter McCullough. Mr. McCullough testified that he has possession of survey materials that were prepared in conjunction with this case -- but were not disclosed in his Report and were not provided to Hewlett-Packard Co. ("HP"). HP hereby demands production of these materials pursuant to Fed R. Civ. P. 26.

Mr. McCullough was retained on behalf of Polaroid to conduct a survey concerning printers and cameras. After he received the results of his initial survey, Mr. McCullough was instructed to stop work with respect to cameras and to continue forward on additional survey work with respect to printers. Mr. McCullough's Report addressed the results of both surveys with respect to printers, but did not disclose any of the survey work with respect to cameras. On behalf of Polaroid, you asserted that Mr. McCullough's survey work with respect to cameras is protected as attorney work product.

Polaroid's assertion of the work product doctrine is not correct. Mr. McCullough's initial survey addressed both cameras and printers, and Mr. McCullough necessarily considered the camera results as he went on to prepare the additional printer survey. Likewise, Mr. McCullough necessarily considered the camera results as he wrote his Report and formed his opinions. Fed. R. Civ. P. 26(a)(2)(B)(i-ii) requires that Mr. McCullough disclose in his report all materials furnished to him (for purposes of his work on this case) that he considered in the course of forming his opinions. An expert submitting a report may not withhold such

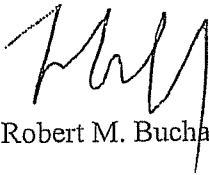
Colby Anne Kingsbury
May 12, 2008
Page 2

materials on the ground that he did not "rely on" them; rather, he must disclose all such materials that he "considered" in the course of forming his opinion. *See* 1993 Advisory Committee Notes to paragraph 2. Accordingly, the survey materials and results with respect to cameras should have been produced and disclosed in Mr. McCullough's Report.

If Polaroid maintains its position after review of this letter, please be advised that HP will seek the Court's assistance to compel production of these materials (followed by an opportunity for Dr. Jacoby to supplement his Expert Rebuttal Report and, to the extent appropriate, a renewed deposition of Mr. McCullough).

I am aware that you have a heavy schedule of depositions. I have some availability this week. So that we may confer on this issue pursuant to the Local Rules, please advise whether you are available for a telephone call at 10:00 a.m. Eastern on May 14, 15 or 16; or at 2:00 p.m. Eastern on May 15 or 16. Alternatively, if you are inclined to respond in writing, please let me know and I will anticipate Polaroid's response no later than May 16.

Very truly yours,



Robert M. Buchanan, Jr.

RMB:tkd

cc: Robert S. Frank, Jr.
Daniel C. Winston
Matthew E. Bernstein

EXHIBIT G

Westlaw.

2005 WL 2414391
2005 WL 2414391 (N.D.Cal.)

Page 1

For docket see 3:04cv00468

United States District Court, N.D. California.
LEVI STRAUSS & CO. Plaintiff,
v.
RP55, INC., and Does through 10, Defendants.
No. C04-0468.
February 24, 2005.

(Report or Affidavit of Walter McCullough)

Name of Expert: Walter McCullough

Area of Expertise: Marketing >> Consumer Behavior

Case Type: Intellectual Property >> Trademark/Trade Name

Jurisdiction: N.D.Cal.

Representing: Defendant

PREPARED FOR: DEMLER, ARMSTRONG & ROWLAND, LLP

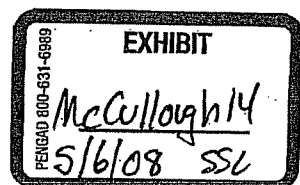
BY WALTER MCCULLOUGH, PRESIDENT MONROE MENDELSON RESEARCH, INC.

BACKGROUND

I was asked by the Raymond Goettsch of Demler, Armstrong & Rowland, attorneys for Indigo Red, to examine the report and collateral materials provided by Professor Scott and provide an objective evaluation of the research methodology she used and the opinions she offered and to render my opinion as to whether or not it supports the findings and conclusions set forth in her report, dated December 17, 2004 (amended February 11, 2005).

QUALIFICATIONS OF WALTER MCCULLOUGH

I have been in the marketing research field for over 30 years and have conducted litigation surveys for 20 of those years. I have conducted hundreds of trademark surveys, including a very large number of likelihood of confusion surveys covering a wide range of consumer products. My credentials as a survey research expert are based on my practical experience in the field and my educational background as an undergraduate psychology major and my obtaining a MBA degree in marketing research. I have been accepted as a survey expert whenever I have been offered in that role and I have never been rejected in that capacity. A more detailed professional and educational background is provided at the end of this document along with a listing



of my recent prior testimony and published papers.

INFORMATION PROVIDED FOR EVALUATION

In addition to Professor Scott's December 17, 2004, report (amended February 11, 2005), I have reviewed the transcript of her February 17 deposition as well as other information she has provided as part of the discovery process.

ANALYSIS OF INFORMATION PROVIDED

Methodologies Employed: To evaluate research results requires consideration of generally accepted standards of professional marketing research. The Reference Guide On Survey Research chapter of the Reference Manual On Scientific Evidence (Second Edition, Federal Judicial Center 2000), authored by Professor Shari Diamond, is widely accepted as a benchmark of standards of professional marketing research for use in the legal context. In particular, one must consider the following questions:

Purpose and Design Of The Survey

1. Was the survey designed to address relevant questions?
2. Was participation in the design, administration, and interpretation of the survey appropriately controlled to ensure the objectivity of the survey?
3. Are the experts who designed, conducted, or analyzed the survey appropriately skilled and experienced?
4. Are the experts who will testify about others appropriately skilled and experienced?

Population Definition and Sampling

5. Was an appropriate universe or population identified?
6. Did the sampling frame approximate the population?
7. How was the sample selected to approximate the relevant characteristics of the population?
8. Was the level of non-response sufficient to raise questions about the representativeness of the sample? If so, what is the evidence that non-response did not bias the results of the survey?
9. What procedures were used to reduce the likelihood of a biased sample?
10. What precautions were taken to ensure that only qualified respondents were included in the survey?

Survey Questions And Structure

11. Were questions on the survey framed to be clear, precise and unbiased?
12. Were filter questions provided to reduce guessing?
13. Did the survey use open-ended or closed-ended questions? How was the choice in each instance justified?
14. If probes were used to clarify ambiguous or incomplete answers, what steps were taken to ensure that the probes were not leading and were administered in a consistent fashion?
15. What approach was used to avoid or measure potential order or context effects?
16. If the survey was designed to test a causal proposition, did that survey include an appropriate control group or question?
17. What limitations are associated with the mode of data collection used in the survey?

Surveys Involving Interviewers

18. Were the interviewers appropriately selected and trained?
19. What did the interviewers know about the survey and its sponsorship?
20. What procedures were used to ensure and determine that the survey was administered to minimize error and bias?

Data Entry and Grouping Of Respondents

21. What was done to ensure that the data were recorded accurately?
22. What was done to ensure that the grouped data were classified consistently and accurately? Disclosure and Reporting
23. When was the information about the survey methodology and results disclosed?
24. Does the survey report include complete and detailed information on all relevant characteristics?
25. In surveys of individuals, what measures were taken to protect the identities of individual respondents?

The following evaluation examines Professor Scott's survey, keeping these important questions in mind.

Evaluation of Methodology, Reported Results And Opinions Offered I conclude that Professor Scott's survey suffers from the following major flaws.

1. Professor Scott's sampling frame did not approximate the relevant universe. Based on Mr. Gilchrist's (the attorney who hired Professor Scott) representation, Professor Scott included only men in her survey, even though, as I discovered in my test, about half of those who buy men's jeans are women.

Additionally, Professor Scott's jeans price range for potential respondent inclusion in her survey was incorrect. Her qualification was that respondents had to have purchased jeans that cost \$30 or more in the past year and plan to buy jeans that cost \$30 or more in the next 12 months. Defendant, Indigo Red, sells jeans that normally retail for \$50-\$90. Respondents who only purchase jeans for less than \$50 or over \$90 should not have been allowed into the survey. And because of the way in which the question was asked, we do not know who they are, and therefore they cannot be analytically eliminated from the sample.

As well as Professor Scott's sample definition being incorrect, even the sample that she did obtain did not properly represent consumers who both bought and intend to buy jeans that cost \$30 or more. Instead of using screening quotas, which would have delivered the proper proportion of interviews by age group, she used fixed interview quotas.

2. Professor Scott's validation procedures were sub-standard. Based on the sketchy information with which I was provided, it appears that less than 10% of the interviews were validated and the results of those validations are unknown. Typically, in litigation surveys, 50% or more of the interviews are validated, the validation questionnaire is included in the report or produced during discovery and the results of those validations are summarized in a Validation Report. Additionally, for Professor Scott's survey, there is no indication of who did the validations or what question or questions were asked.

3. Professor Scott's use of computer images of the jeans was unduly limiting and encouraged a disproportionate degree of attention to the pocket design. Whenever possible, it is always advisable to let consumers see the actual products about which they are being questioned. Such a showing allows them to look at the garment in a more realistic way and to focus their attention on what is important to them in examining and evaluating the product. Professor Scott could have used actual garments and removed or covered up any indicia on the jeans that she felt should not be shown to the respondents. Instead, she elected to show them computer images that allowed them to look only at the back of the garment where the pocket design at issue is found.

4. There is some evidence that colleagues of Professor Scott may have influenced the survey results. Professor Scott acknowledged at her deposition that either Mr. Hoffman or Ms. Celini had been in the room when interviews took place. While it is not improper for these two colleagues of Professor Scott to visit the field for training purposes, it is important that such individuals not be present while interviews are being conducted in order to avoid inadvertent influencing of respondents' answers. That is the reasoning behind the "double-blind" requirement that, on page 6 of her report, Professor Scott claims to have been implemented.

After stating, "The survey was conducted on a double-blind basis...", Professor Scott goes on to define double-blind as a survey, "...designed to ensure that neither the interviewer nor the interviewees knew the purpose or sponsor of the survey or knew that the survey was in any way connected to this litigation." The reasons for a double-blind environment can easily be compromised with inadvertent behavior on the part of a knowledgeable staff member sitting in on interviews.

5. Professor Scott's discovery production has not been timely and is still incomplete. Despite numerous and complete requests, Professor Scott only within the last two weeks produced questionnaire documentation and the necessary information to decipher those computer records. And those questionnaire records do not include the original files or a key to enable the order of product presentation to be determined. Such information may be an important factor in evaluating the interviewing procedure.

Then, suddenly, and without notice, an "Amended Expert Report...", dated February 11, 2005, appeared that "...updates and corrects certain figures and results..." It contained revised tabulations that resulted from adding some interviews and eliminating interviews that were disqualified for one reason or another.

6. Professor Scott used open-ended probes that were clearly leading. To understand this criticism, it is necessary to know that Professor Scott considered a respondent to be confused if he indicated that the Indigo Red jeans he saw on the computer screen were manufactured, licensed or associated with Levi's and that the design on the pocket caused the respondent to reach that opinion. However, Professor Scott unduly encouraged such a response not only by presenting an image of the jeans that showed only the back of the jeans, where the pocket was, but also by asking a leading probe of those who did not give her the type of answer she was looking for. Instruction 9 for the interviewers states, "If the participant ...does not respond with a feature or specific detail, please probe once by asking, 'Is there any specific feature that makes you say that?'" Having been focused on that part of the garment that features the pocket, respondents wanting to be helpful and correct would find a pocket design answer an attractive response.

Professor Scott's analysis of her data was improper and her conclusions were incorrect. While all of the problems already enumerated regarding Professor Scott's survey render her data useless, it is interesting to note that even if her results are taken at face value, a proper interpretation of her results shows that there is no substantial likelihood of confusion between the Indigo Red jeans and Levi's.

Professor Scott states in her Amended Report's "Summary of Research Findings" that, "My analysis indicted that 54 (22.3%) of the 242 participants who saw the Indigo Red jean incorrectly identified it as an LS&CO. product, thus demonstrating the degree of association between the stitching and the 'LEVI'S(R)' brand." It is not surprising that a substantial number of respondents would guess or mistake almost any unbranded jeans as Levi's. Such was the case in Professor Scott's survey with the other three brands shown to respondents. Levi's was named as the brand manufactured, licensed or associated with Wrangler by 16% of respondents, with Ecko by 14% of respondents, and with Azzure by 16% of respondents. If one uses an average of these brand responses (16%+14%+16% divided by 3= 15.3%) as a type of control for guessing, the net level for Indigo Red becomes +7% (22.3% minus 15.3%),

hardly a level that could be called substantial. In my own likelihood of confusion tests that I conduct for both plaintiffs and defendants, I characterize any difference under 10% as not being indicative of substantial confusion. And my understanding is that many attorneys and Courts look to higher levels of likelihood of confusion before they consider them actionable. Professor Scott's reliance on statistical significance in this case is misguided in that, if one conducts enough interviews, even a 1% difference can be statistically significant. The size of the difference also needs to be taken into consideration.

In a similarly incorrect manner, Professor Scott uses a 58% Levi's product recognition level to conclude "...that 'LEVI's(R)' Arcuate pocket stitching design is a well known trademark that consumers use to identify 'LEVI's(R)' jeans." Minimally, Professor Scott would have to subtract the 15% of false claiming level observed for the other three jeans products shown. In addition, there were other visual cues that the jeans were Levi's. If Professor Scott wished to isolate the effect of the arcuate stitching to the recognition of Levi's jeans, she would have to conduct a test where the test group saw the Levi's with the arcuate design and a control group saw an identical product, but without the arcuate design on the pocket. To my knowledge, no such test was conducted.

Summary

The survey conducted by Professor Scott presents no objective or reliable survey information for the Court to use in addressing the issue of the likelihood of confusion of indigo Red jeans with Levi's jeans or on the issue of whether or not the arcuate design is being diluted by the Indigo Red jeans pocket stitching design.

Professor Scott's survey suffers from many design, implementation, and analytical faults:

1. There were several problems with the universe she selected. First of all, it was the wrong universe in that it contained no women, and the price points for jeans purchase were incorrect. Moreover, the age quotas she used were not based on the universe she intended to represent.
2. It appears that less than 10% of the interviews used in Professor Scott's report were validated and the results of those validations are unknown. Furthermore, I have not been provided any information about what validation questions were asked.
3. Professor Scott's use of computer images of the jeans was unduly limiting and encouraged a disproportionate degree of attention to the pocket design.
4. There is some evidence that the presence of colleagues of Professor Scott during the conduct of some of the interviews may have influenced the survey results.
5. Professor Scott's discovery production has not been timely and is still incomplete. No information has been provided that shows the order in which the products were shown to respondents, and an Amended Report, dated February 11, 2005,

appeared without adequate explanation of how that Report differed from the original one.

6. Professor Scott used open-ended probes that were clearly leading. She unduly encouraged a "pocket stitching" response by not only showing an image of the jeans that concentrated on the back of the jeans, where the pocket was, but also asking a leading probe of those who did not give her the type of answer she was looking for.

7. Professor Scott's analysis of her data was improper and her conclusions were incorrect. Despite their many problems, even if Professor Scott's results are taken at face value, a proper interpretation of those results shows that there is no substantial likelihood of confusion between the Indigo Red jeans and Levi's jeans.

If one uses an average of the other three incorrect "Levi's" brand responses as a type of control for guessing, the net level for Indigo Red becomes +7%, hardly a level that could be called substantial. Professor Scott's reliance on statistical significance in this case is misguided in that, if one conducts enough interviews, even a 1% difference can be statistically significant. The size of the difference also needs to be taken into consideration.

In a similarly incorrect manner in discussing dilution, Professor Scott uses a 58% Levi's product recognition level to conclude "...that 'LEVI's(R)' Arcuate pocket stitching design is a well known trademark that consumers use to identify 'LEVI's(R)' jeans." Minimally, Professor Scott would have to subtract the 15% false claiming level observed for the other three jean products shown. Even then, it is not clear if only the arcuate design on the pocket caused consumers to recognize the jeans as Levi's.

In conclusion, based on all these design, implementation and analytical problems, I would strongly advise the Court to disregard Professor Scott's survey in its entirety.

If I receive the information mentioned above, that Professor Scott has not yet produced, I may have additional criticisms to bring to the Court's attention.

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